

Invitation to Submit 2002

**Reading/Language Arts/English Language Development
Instructional Materials Adoption**

**Prepared by
Curriculum Frameworks and Instructional Resources
Division**

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Glossary of Key Terms

Basic program

An instructional materials submission that covers a course of study within the meaning of Education Code section 60010(a).

CCR-5

Title 5 of the California Code of Regulations.

CRP/IMAP

Content Review Panel (CRP) and Instructional Materials Advisory Panel (IMAP) constitute the membership of the task force that assists the Curriculum Commission in the adoption process established under the authority of CCR-5, section 9516.

Curriculum Commission

The Curriculum Development and Supplemental Materials Commission established under Education Code section 33530.

Department

California Department of Education (CDE)

Education Code

Education Code of the State of California

English-Language Arts Content Standards for California Public Schools

The final edited version of the *English-Language Arts Content Standards for California Public Schools, Kindergarten through Grade Twelve*, adopted by the State Board in December 1997, pursuant to Education Code section 60605.

IR Unit

Instructional Resources Unit, California Department of Education. Mailing Address: P. O. Box 944272, Sacramento, California, 94244-2720. Street Address: 721 Capitol Mall, Sixth Floor, Sacramento, California, 95814. Telephone: (916) 657-3023. Fax Number: (916) 657-5148. Contact: Dr. Deborah Keys, Lead Consultant, (916) 654-1281.

Learning Resources Display Centers (LRDCs)

Learning Resources Display Centers established under Education Code section 60202 and CCR-5, section 9519.

Publishers

Publishers, producers, and/or manufacturers of instructional materials as used in the Education Code and CCR-5.

Stand-Alone Programs

For purposes of this adoption, stand-alone programs are those programs described on pages 3-4 of this document.

Special Populations of Students

For purposes of this adoption, Special Populations of Students are defined as: (1) Special education students, (2) students in grades four through eight whose reading achievement is significantly below grade level, (3) English learners in grades four through eight who are at the

beginning through intermediate levels of English proficiency, (4) students studying in languages other than English, and (5) advanced learners.

Standards

The content standards adopted by the State Board in mathematics, science, history-social science, and English language arts pursuant to Education Code section 60605, depending on the context in which it is used.

State Board

California State Board of Education established under Education Code section 33000.

Technology-Based Programs

Submitted instructional programs that are solely available via technology.

2002 Reading/Language Arts/English Language Development Adoption

The process by which instructional materials in reading/language arts/English language development shall be adopted by the State Board under the authority of Education Codes sections 60200, 60200.1(a)(2), 60200.2, 60200.4 and 60200.5.

2002 Reading/Language Arts/English Language Development Evaluation Criteria, adopted December 1999

This document provides evaluation criteria for evaluating reading/language arts/English language development instructional materials in five categories: (1) alignment with the *English-Language Arts Content Standards for California Public Schools*; (2) program organization; (3) assessment; (4) universal access; (5) instructional planning and support. Instructional materials in reading/language arts must support teaching that is aligned with the standards and the framework. Materials that fail to meet the content evaluation criteria in category 1 will not be considered satisfactory for adoption. Within category 4, universal access, some evaluation criteria are optional and some are required. The evaluation criteria in categories 2 through 5 will be considered holistically.

Introduction

This *Invitation to Submit* invites publishers of Reading/Language Arts/English Language Development instructional materials to submit basic program(s) or stand-alone program(s) for consideration for adoption. The instructional materials included on the adopted list will be for use in California public schools in kindergarten and grades one through eight. They may be purchased by local education agencies from the time of adoption (anticipated to be January 2002) through June 30, 2008, with state funds specifically appropriated and allocated for that purpose and with other funds as allowed by law.

This *Invitation to Submit* provides a general overview of the adoption process of instructional materials and the specific instructions relating to the participation of publishers in the 2002 Reading/Language Arts/English Language Development Adoption.

Express Agreement

By submitting a basic program and/or one of the three stand-alone programs for consideration in the 2002 Reading/Language Arts/English Language Development Adoption, the publisher of the submission expressly agrees to follow the provisions of and the procedures set forth in this *Invitation to Submit*. This document incorporates all applicable statutes, regulations, State Board policies, and the applicable evaluation criteria adopted by the State Board. [see **Attachment A**]

Changes in statutes, regulations or State Board policies that occur after the distribution of this document may affect the processes and procedures specified in this document, as well as specific content or format of publications. Inquiries relating to the 2002 Reading/Language Arts/English Language Development Adoption should be directed to the IR Unit.

Legal Authority

The State Board adopts instructional materials under the authority of Article IX, section 7.5 of the Constitution of the State of California and in accordance with the applicable provisions of the Education Code and CCR-5, including, but not limited to, Education Code sections 60200-60204 and CCR-5, sections 9500-9530

I. Adoption of Instructional Materials in Reading/Language Arts/English Language Development

This section provides an overview of the 2002 Reading/Language Arts/English Language Development Adoption.

A. Overview of the Reading/Language Arts Framework, Reading/Language Art/English Language Development Evaluation Criteria and the Adoption Cycle

Under Education Code 60605, the State Board of Education “shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.” In addition, under Education Code 60200.1, the Board must adopt instructional materials for Reading/Language Arts/English Language Development by March 2002 and approve “the evaluation criteria for the adoption of instructional materials in Reading/Language Arts/English Language Development at least 18 months before the Board adopts instructional materials in Reading/Language Arts/English Language Development.” The State Board adopted the evaluation criteria in December 1999 and anticipates adopting submissions in January 2002.

B. Purpose of Adopting Instructional Materials in Reading/Language Arts/English Language Development

Since 1997, California has adopted critical elements of a comprehensive system for reading, language arts, and English language development. The diversity of California's student population demands a unique design for instructional materials. All students should fully participate in a basic reading/language arts program of one to two and one half hours in length, utilizing comprehensive instructional materials that address all of the *English-Language Arts Content Standards for California Public Schools* for each grade level in a coherent fashion. The instructional materials should thoughtfully and logically address the development of skills and knowledge within the strands that build through the grade levels. Instructional materials that are designed in this way will be a key element in ensuring that students are prepared to perform well on the required assessments. The assessments include STAR (Stanford 9 and California Standards Tests), a high school exit exam, and an English Language Development Assessment. All students will be required to take the first two exams, and English learners will be required, in addition, to take the English Language Development Assessment.

C. Programs Appropriate for Submission to the 2002 RLA/ELD Adoption

This adoption has four separate programs that may be submitted by publishers. The name and description of each program as outlined in the evaluation criteria are as follows:

1. The Basic Reading/Language Arts Program

It is the intent of the evaluation criteria that this program be designed for use by the classroom teacher as the comprehensive curriculum which will ensure that all students master the *English-Language Arts Content Standards for California Public Schools*. This comprehensive curriculum, designed for all children, must include required supporting components that reinforce and extend the basic program for 30-45 minutes (per instructional day) for English learners and 30-45 minutes (per instructional day) for special education pupils as described in the Universal Access category of the evaluation criteria. The purpose of this additional content and instruction is to ensure that English learners and special needs students are able to master the same curriculum as all other children are taught in the basic program.

These components are directly tied to the content of the comprehensive grade-level curriculum. This basic program may not be submitted as a partial or a supplemental resource. This comprehensive curriculum must incorporate principles of universal access as well as provide instructional content for minimal daily time periods of one hour in kindergarten; two and a half hours in grades 1-3; two hours in grades 4-5/6; one to one and a half or two hours in grades 6/7-8.

2. The stand-alone Reading Intervention Program for students in Grades 4-8

It is the intent of the evaluation criteria that this program be designed to be a two and a half to three hour comprehensive, intensive, accelerated reading/language arts program that addresses the needs of students in grades four through eight whose reading achievement is two or more years below grade level. This program emphasis must be on decoding, word recognition, vocabulary and spelling in a systematic sequential manner, including phoneme awareness skills as identified by curriculum-embedded diagnostic assessment. In addition, this program must include emphases on comprehension, as well as, oral and written convention skills. Based on curriculum-embedded diagnostic assessment, this program should position students to rapidly progress toward grade-level standards and to ably participate in a standards-aligned, grade-level, comprehensive reading/language arts program. **This program may not be submitted as part of the basic program. This program stands alone and will be submitted and evaluated separately.**

3. The stand-alone Intervention Program for English Learners in Grades 4-8

It is the intent of the evaluation criteria that this program be designed to be a two to three hour comprehensive language arts program designed specifically for English learners in grades 4-8 whose proficiency in English is at the beginning through intermediate levels. This stand-alone program must be designed to accelerate the learning of English by addressing decoding, word recognition, vocabulary and phonological-based spelling in a systematic sequential manner, including phoneme awareness skills as identified by curriculum-embedded diagnostic assessment. In addition, this program must include emphases on reading, listening, speaking and comprehension, oral and written convention skills. Based on curriculum-embedded diagnostic assessment, this program should position students to rapidly progress toward grade level standards and to ably participate in a standards-aligned, grade level, comprehensive reading/language arts program. Also, this program must emphasize academic language, vocabulary and concept development, sentence structure, grammar, organization and delivery of oral communication, and speaking applications. **This program may not be submitted as part of the basic program. This program stands alone and will be submitted and evaluated separately.**

4. The stand-alone K-8 Primary Language Program

It is the intent of the evaluation criteria that this program be designed to be a basic reading/language arts program in languages other than English. This program is a comprehensive, systematic program, designed to transition students successfully to English. This program should parallel English-language arts programs and should align with the *English-Language Arts Content Standards for California Public Schools* and the Reading/Language Arts Framework with appropriate modifications for the primary language. English language development materials must also accompany primary language materials for English learners. These materials help develop language and allow the primary language skills learned to be applied in English with additional teaching of skills unique to the language. **This program is neither an alternate format nor a direct translation of any submitted English language program. This program stands alone and will be submitted and evaluated separately.**

D. Funding for Instructional Materials

There are two primary sources of state funding available for the purchase of instructional materials: 1) Instructional Materials Fund (IMF) and, 2) Schiff-Bustamante Standards-Based Instructional Materials Program (Chapter 312, Statutes of 1998).

1. The K-8 Instructional Materials Fund at \$31.83 per pupil (based on annual average daily attendance) may be used to purchase instructional materials in any subject area on any

current State Board adopted list. Districts have flexibility to use up to 30% of IMF to purchase other instructional materials. Until June 30, 2002, districts may use up to 100% of IMF for materials for the Structured English Immersion program consistent with the State Board's IMF Expenditure Policy. **[see Attachment G]**

2. The Schiff-Bustamante Standards-Based Instructional Materials Program appropriates \$250 million annually for each of four years commencing in 1998-1999. Approximately \$42.42 per pupil is available (based on annual enrollment). **[see Attachment J]** Instructional materials purchased must be aligned with State Board approved content standards and must come from one of the following State Board approved lists:

- History-Social Science (expires June 30, 2005)
- AB 2519 -Additional Adoptions in Reading/Language Arts and Mathematics (Mathematics list expires June 30, 2003 and Reading/Language Arts list expires June 30, 2005)
- 2000 Science (expires June 30, 2006)
- 2001 Mathematics (expires June 30, 2007)
- 2002 Reading/Language Arts/English Language Development (will expire June 30, 2008)

E. Evaluation of Submissions

Each program submitted under the 2002 Reading/Language Arts/English Language Development Adoption shall undergo the following evaluations:

1. Subject Matter Content Review

A subject matter content review shall be conducted using the 2002 *Reading/Language Arts/English Language Development Evaluation Criteria*, adopted December 1999 **[see Attachment A]**, the *English Language Arts Content Standards for California Public Schools*, and the *Reading/Language Arts Framework for California Public Schools*. This review shall focus on each submission's coverage with the 2002 *Reading/Language Arts/English Language Development Evaluation Criteria*, and the *English-Language Arts Content Standards for California Public Schools*, as appropriate for the intended grade level(s), and alignment with the Reading/Language Arts Framework.

The English-Language Arts Content Standards for California Public Schools and the *Reading/Language Arts Framework for California Public Schools* are available on the CFIR website: <http://www.cde.ca.gov/cfir>, or you can purchase these documents by calling (800)-995-4099.

2. Legal Compliance Review

A review shall be conducted for legal compliance in accordance with the requirements of Education Code sections 60200, 60040, 60041, 60042, and 60044, 60048 and the provisions of *Standards for Evaluating Instructional Materials for Social Content (2000 edition)*. A courtesy copy of this document will be provided for each publisher at the Invitation to Submit Meeting on March 14, 2001. Also, you can purchase this document by calling (916) 445-1260.

3. Public Review

The opportunity for public review shall be provided at the Learning Resources Display Centers (LRDCs) in accordance with Education Code section 60202 and CCR-5, section 9519. At the Learning Resources Display Centers, the public may not only review the programs submitted for adoption but may also make comments as to the programs' suitability for adoption under the 2002 Reading/Language Arts/English Language Development Adoption. Comments received from the public are made available to the members of the Curriculum Commission and the State Board.

Prior to recommending submitted programs for the 2002 Reading/Language Arts/English Language Development Adoption, the Curriculum Commission shall hold public hearings where all interested parties may present comments orally and/or in writing. Similarly, the State Board shall hold a public hearing where all interested parties may present comments orally and/or in writing prior to the State Board taking action to adopt or reject the instructional materials.

At the public hearings, oral presentations may be subject to time limits established by the presiding officer. These time limits are based on the number of individuals wishing to speak. Time limits are frequently two to three minutes, but they may be reduced to one minute if the number of persons wishing to speak is extraordinarily large. Those wishing to speak should prepare their oral remarks accordingly. It is recommended that individuals wishing to present written testimony (whether separately or in addition to oral remarks) at any of the public hearing should bring at least 50 copies for distribution to the members, staff and audience.

II.

Schedule of Significant Events 2002 K-8 Reading/Language Arts/English Language Development Adoption Timeline

Dates	Events
December 8, 1999	State Board adopts criteria
February 11, 2000	Publishers Briefing
August 15, 2000	Instructional Materials Advisory Panel (IMAP) and Content Review Panel (CRP) applications to the field
January 31, 2001	Application deadline for IMAP and CRP members
February 9, 2001	Selection of IMAP and CRP applicants at SMC meeting
February, 2001	Notification of Invitation to Submit meeting mailed to publishers
March 7, 2001	Curriculum Commission presents IMAP and CRP applicants to State Board for information/action
March 7, 2001	Deadline for publishers to RSVP their attendance at the Invitation to Submit meeting
March 14, 2001	Invitation to Submit meeting for representatives of publishers/producers
May 2, 2001	Deadline for receipt by the Department of submission diskette, technology requirements and contact, Program Descriptions, and Publisher's Checklist
June 1, 2001	Deadline for publishers to request written permission from the Department to sample in other than final form materials
June, 2001	Department distributes standards map on diskette to publishers
June 14, 2001	Distribution of requests for price quotations by the Department
July 29 – August 3, 2001 (IMAP/CRP)	Training for IMAP/CRP and publishers' presentations to IMAP
August 13, 2001	Deadline for receipt of instructional resource samples and Standards Maps to designated sites and persons as directed by the Department
September 7, 2001	Deadline for receipt by the Department of price quotations, including transportation costs
September 7-8, 2001	CRP meet to calibrate preliminary reports

Schedule of Significant Events

2002 K-8 Reading/Language Arts/English Language Development Adoption Timeline

Dates	Events
*September 14-16, 2001	Legal and Social Compliance Review
October 2, 2001	Deadline for publishers to withdraw from the adoption
September-October, 2001	Distribution of notices of noncompliance with social content requirements to publishers/producers
August -October, 2001	IMAP and CRP individual review of materials submitted for adoption
*October 3, 2001	CRP reports submitted to IMAP members
October 14-19, 2001	CRPs to meet with IMAPs
October 14-19, 2001	IMAP deliberations and publishers' responses to IMAPs' questions
October 19, 2001	Completion of Educational Content Review
*October-November, 2001	Deadline for receipt by the Department of publishers' response to noncompliance notices (legal compliance)
November, 2001	IMAP adoption reports released
November 8 or 9, 2001	Minor corrections and edits meeting
November 15-16, 2001	Curriculum Commission Meeting: recommendations, public hearing and <i>final action</i>
November 20 – December 20, 2001	30-Day Public Display of materials – Learning Resources Display Centers (LRDCs)
January 9-10, 2002	State Board (SBE) Meeting: Curriculum Commission presents adoption recommendations; SBE conducts public hearing and takes <i>final action</i>
January-February, 2002	Post adopted lists and reports on the Department's website
February-March, 2002	Distribute Price Lists and Order Forms to school districts
*March 15, 2002	Deadline for receipt of final printed resources reflecting legal compliance corrections, and/or minor corrections and/or edits Deadline for publishers to send materials for Braille transcription

*Date subject to slight adjustment by Curriculum Commission

III. Publisher Responsibilities in the 2002 Reading/Language Arts/English Language Development Adoption

A. Submissions

This document is distributed to all publishers who have notified the IR Unit of their interest in participating in the 2002 Reading/Language Arts/English Language Development Adoption.

In response to this *Invitation to Submit*, publishers submit lists of all programs that they desire to be adopted for use in California schools. The lists shall include a description of each program that a publisher submits for the adoption, as well as a list of the program components. Further instructions are included in the section entitled, "Distribution of Samples." In addition, publishers are asked to identify if an item is for use by the student, the teacher, or the parent. A CD-ROM, Contact Form, and instructions to input information regarding their submissions will be supplied to each requesting publisher [see **Attachment B**].

1. Instructional Materials

a. Instructional Materials Appropriate for Submission

- (1) Basic programs (including any separately identified components). Education Code section 60010(a) defines basic instructional programs as "instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course."
- (2) Stand-Alone Programs as defined on pages 3-4.
- (3) Essential teacher resources in English. (The teacher resources that accompany non-English *student's resources* may be in the same language as the *student's resources* but must also be in English).
- (4) The teacher resources addressing how all elements of the submission, including any separate components (e.g., literature books), are to be used.
- (5) The use of 20-point font (minimum) for K-2 student materials (strongly encouraged).

b. Alternate Formats of Instructional Materials Appropriate for Submission

- (1) Alternate formats are instructional materials that are identical in content but differ in physical format (e.g., hardcover or soft cover, audiotape or compact diskette, single color or multicolor, software that is in multiple versions for use on different computer operating systems).
- (2) To facilitate identification, publishers should list alternate format items immediately following the *student's resources* to which they are an alternate and answer “Yes” on the computer diskette field for alternate formats.
- (3) Non-English alternate formats must be identical translations of instructional materials adopted by the State Board, or literature that is equivalent in content to the literature in programs adopted by the State Board, in keeping with the provisions of CCR-5, section 9528. It is not possible to create identical translations of a full basic English language instructional materials program that is designed to provide comprehensive instruction in reading, writing, listening, and speaking as well as written and oral English language conventions that would be correct to use in another language. Therefore, if a publisher wishes to have on the state adoption list a full basic program that is in a language other than English (Primary Language Program), the publisher needs to submit the program in the adoption process, not present the program later as an alternate format.

Only components of a basic instructional materials program will be considered for inclusion on the adoption list as non-English alternate formats. If components of a basic instructional materials program (e.g., letters for parents or guardians who are non-or limited-English proficient, transparencies, or wall charts) are presented as non-English alternate formats, the Department will conduct a review to ensure that each component is an identical translation of the component as adopted by the State Board. Only if a component is determined to be an identical translation will it be included on the adoption list as an alternate format.

With respect to literature that is part of a basic instructional materials program adopted by the State Board, if literature in a language other than English is presented for inclusion on the adoption list as a non-English alternate format, the literature will

be reviewed by the Department to ensure that it is equivalent in content to the English-language literature in the program as adopted by the State Board. Only if such literature is determined to be equivalent in content adopted by the State Board, will it be included on the adoption list as an alternate format.

c. Use of Abridged, Adapted, or Excerpted Literary Works

Publishers of instructional materials shall indicate which literary works have been abridged, adapted, or excerpted (e.g., on the table of contents, copyright page, back of the title page, or at the beginning of such a literary work). This information must appear in the student's edition, the teacher's edition, or both. Detailed descriptions of the changes must be made available from the publisher upon the request of the Department or any local education agency.

Publishers are strongly encouraged to include the detailed descriptions at the beginning of each literary work so that teachers are appropriately informed. This description would ideally include a brief rationale for the changes. A possible format follows:

"Digging Up Dinosaurs," adapted from *Digging Up Dinosaurs* by Alikı Brandenberg (Thomas Y. Crowell). Copyright 1981 by Alikı Brandenberg. Adapted and reprinted by permission of Harper & Row Publishers, Inc., and the Bodley Head, Ltd.

Student Edition pages:
Description of change:
Rationale:

Additional information on this practice can be found in *Resolution on Opposing Abridgment or Adaptation as a Form of Censorship* by the International Reading Association (IRA), as adopted by the IRA's Delegate Assembly in 1988.

d. Identification of Authors, Consultants, Reviewers, and Others Involved in the Development of Instructional Materials

In the teacher resources, student resources or both, publishers must list authors, reviewers, consultants, advisors, field-test teachers and others who actually contributed to the development of the materials. Please indicate, for those who are listed, in what capacity they served. Publishers must provide additional related information upon request by the Department or any local education agency.

e. Customized Instructional Resources

Publishers are encouraged to consider customizing instructional materials. For example, computer software can make it possible to select and sequence specific chapters; to update resource references in those chapters; to facilitate the production of Braille; to provide access to text for students who cannot benefit from traditional print versions of books; to include descriptions of graphics and to include pertinent primary sources as well as other related resources. Through the application of technology, publishers can make materials accessible to all students and address the *English-Language Arts Content Standards for California Public Schools*.

f. Formats for Instructional Materials

Instructional materials should encourage active learning and encompass a range of materials sufficient to meet the needs of students at various benchmarks and strategic levels of intervention. The teacher must not be expected to create extensive modifications in order to meet the learning needs of a full range of students.

Internet web sites and/or technology-based programs that are an integral component of a submitted program must remain unchanged throughout the period of the adoption. Publishers must submit a Statement of Assurance that the content of the programs that was evaluated under the five categories of the evaluation criteria (Content Alignment, Program Organization, Assessment, Universal Access, and Instructional Support and Planning) **will not change** during the duration of the adoption cycle. Instructions for submitting the Statement of Assurance will be sent by the IR Unit to publishers that submit a technology based program.

Software products and web sites should be designed to improve usability for all users, including those with disabilities. It is further recommended that videos, videodiscs, and digital videodisc (DVD) be captioned for the hearing impaired and include audio descriptions for the visually impaired. Publishers must provide computer files of print materials intended for student use to facilitate the production of Braille if such files are provided to other states. The format of the computer files should be equivalent to the quality of files produced for publishers by the American Printing House for the Blind and must be compatible with commonly used Braille translation software. Attention must also be given to the design of traditional print materials. Font size, font style, high contrast, elimination of the use of high gloss glare producing papers, and overwhelming visual and print stimuli remain important considerations.

A variety of design resources exist to help make learning resources more accessible to more students. Publishers are encouraged to investigate the Department's Clearinghouse for Specialized Media & Technology (CSMT) website at www.cde.ca.gov/csmt or contact the CSMT directly at (916) 445-5103.

g. Use of Safe Art Supplies in Instructional Materials

Any art and craft supplies listed or suggested for use in any submission must comply with Education Code sections 32060-32066. These provisions: (1) prohibit the purchase of any toxic art or craft supplies for use in kindergarten and grades one to six, and (2) allow the purchase and use of toxic art supplies in grades seven through twelve only if the materials display a warning label. Art or craft supplies are defined as “any raw or processed material or manufactured product marketed or being represented by the manufacturer or repackager as being suitable for use in the demonstration or the creation of any work of visual or graphic art of any medium. These media may include, but shall not be limited to, paintings, drawings, prints, sculpture, ceramics, enamels, jewelry, stained glass, plastic sculpture, photographs, and leather and textile goods.”

For further information regarding arts and craft supplies, please contact Patty Taylor of the Academic Standards and Resources Unit, (916) 323-6041.

h. Accuracy Issue

It is the responsibility of publishers submitting programs to ensure the accuracy of the materials to be evaluated and approved, pursuant to Education Code section 60200 (c) (3). While the CRPs and IMAPs will include recommended corrections and edits, publishers must ensure complete accuracy of all instructional materials submitted.

2. Submission Address and Schedule

On or before 5:00 p.m., May 2, 2001, publishers must provide the following items to the IR Unit:

1. A list of instructional materials on diskette
2. Program descriptions
3. System requirements and contact person for technology-based programs
4. Publishers' Checklist

Receipt of submission information after this deadline shall result in disqualification of the instructional materials from further consideration in the 2002 Reading/Language Arts/English Language Development Adoption unless publishers are able to show extenuating and compelling circumstances beyond their control (e.g., natural disaster) that prevented them from meeting the deadlines. It is suggested that publishers deliver the diskette and required information in person, or send them by Certified Mail so that delivery by the deadline is confirmed.

Please deliver to:

Instructional Resources Unit
Attn: Suzanne Rios, Administrator
California Department of Education
721 Capitol Mall, Room 647
Sacramento, CA 95814

Note: Any subsequent changes to the information on a submission list should be sent in writing to the IR Unit at the above address.

3. Forms for Submissions of Instructional Materials

A CD-ROM, contact form, and instructions will be supplied to each requesting publisher participating in the 2002 Reading/Language Arts/English Language Development Adoption.

4. Sampling Guidelines and Procedures

Upon receipt and review of the Submission Diskette from each publisher, the Department will request samples of programs accepted for evaluation.

a. Sampling Procedures

The Department will distribute the following to participating publishers:

- (1) List of items accepted for review with identification numbers.
- (2) Packaging, distribution, and receipt deadline instructions.
- (3) List of addresses for the initial distribution of samples. Up to 80 sets may be required to be distributed.

b. Distribution of Samples

- (1) All samples shall be shipped by publishers to all designated destinations free of charge. No shipping, handling, sample, or other costs may be charged to the State Board or its members, the Curriculum Commission or its members, the Department or its personnel, the Learning Resources Display Centers or their personnel, or to members of the IMAPs or CRPs.
- (2) It is the responsibility of participating publishers to ensure that materials are delivered to and off-loaded at the designated address within the specified time period. *Publishers are to instruct delivery agents not to leave materials on loading docks unless so authorized.*

Participating publishers are expected to label all items sampled to the Learning Resources Display Centers. The Learning Resources Display Centers use the information on the label to display materials in proper order and to identify easily where items are to be appropriately shelved (or otherwise stored) following temporary removal for review.

- (3) Labels should be placed in easily visible locations (e.g., bottom of the back of a book, next to the spine). Please do not place labels on shipping packages, shrink-wrap, or other items that may be discarded. It is not necessary to label any item that is a component of another item.

An example of an appropriate label to be affixed to an item is shown below:

Sequence Code No.	00020
Subject:	Reading/Language Arts/English Language Development
Publisher Name:	ABC Publishing
Series Title:	Reading/Language Arts/English Language Development Link
Grade Level:	3
Item Title:	Student Edition
Copyright:	2002

- (4) Participating publishers must include a description of programs submitted and the purpose of program components. This information will be used to better understand the program as well as assist in appropriate display.

- (5) All samples, standards maps and program descriptions (a narrative description not to exceed six pages, single spaced, explaining how the program works for its clients (e.g. teachers, students, and/or parents/guardians)), shall be received by the designated recipients on or before 5:00 p.m., August 13, 2001. In addition, publishers shall provide a list of all the components in a submitted program. Please place the program name and grade level on each box.

Failure to meet the deadline for delivery of samples shall result in disqualification of the items from further consideration in the 2002 Reading/Language Arts/English Language Development, unless the publisher can show extenuating and compelling circumstances beyond the publisher's control (e.g., natural disaster) which prevented timely delivery.

- (6) It is the responsibility of each publisher to retrieve from the Learning Resources Display Centers (LRDCs) all samples for programs not added to a list of adopted instructional materials by the State Board. Publishers may retrieve their non-adopted instructional materials samples from the Learning Resources Display Centers for a period of 30 days after the State Board's decision. All programs are to be retrieved by publishers without any cost to the Learning Resources Display Centers or their personnel. Publishers shall supply, at no cost, any packing materials necessary for the return of requested materials. Instructional materials not retrieved within the 30-day period will be disposed of or donated for educational use. The samples provided to members of the State Board, Curriculum Commission, IMAPs, and CRPs, as well to Department personnel, may be (a) offered back to the publishers, (b) retained by the members, or (c) donated by the members, provided that, if donated, the samples be used to benefit public education in California.

c. Sample Requirements

- (1) All samples must be in final form (i.e., a form that will be offered for purchase over the period of adoption), unless written permission to submit samples in other than final form is obtained from the IR Unit before the samples are shipped. The IR Unit may permit submission of materials in other than final form, provided that all written text (in manuscript form), audio recordings (or manuscript of text that will be read on audio recordings) and visual

images are provided, as they will appear in the materials' final form. A limited exception is set forth below for manipulative kits.

If a publisher is submitting a manipulative kit, a sample kit will be acceptable in place of a full kit, except for any manipulative kit provided directly to the Department. A sample kit is defined as a kit containing the smallest number of every item in the full kit (minimum of one) necessary for one person to conduct all activities encompassed by the full kit. The sample kit must include a list of the contents of the full kit. Learning Resources Display Centers prefer sample kits because of space limitations.

- (2) A separate International Standard Book Number (ISBN) facilitates the identification of each program or separate program component satisfying the ISBN evaluation criteria. For specific information regarding assignment and use of ISBNs, please contact:

R. R. Bowker Company
ISBN Agency
121 Chanlon Road
New Providence, New Jersey 07974
(908) 665-6770

Programs or separate program components that do not meet ISBN evaluation criteria and/or have not been assigned ISBNs should be identified by some other number/letter combination. Publishers are asked to limit this identifier to no more than 13 characters.

- (3) If an item is available in more than one format, the following special provisions apply:
 - (i) In keeping with CCR-5 section 9528, non-English edition alternate formats must be an identical translation, or literature that is equivalent in content to that submitted in English. A publisher would not have an identical translation of a full basic program designed to teach reading, writing, listening, and speaking in the English language. However, if a publisher translates some components of a basic program (e.g. letters for parents or guardians who are non- or limited English proficient, transparencies, or wall charts), those components must be sampled for review to ensure they are a direct translation, or in the case of literature, that the submitted literature is equivalent in content to that submitted in English.

- (ii) For other types of alternate formats (e.g., hardcover and soft cover books, videotapes and videodisks, computer software for different operating systems), it is not necessary to initially provide more than one format as a sample. Due to space limitations, Learning Resources Display Centers may be unable to display more than one format. If alternate formats are included on the list of adopted instructional materials under the 2002 Reading/Language Arts/English Language Development Adoption, one copy of those alternate formats must then be supplied to any requesting Learning Resources Display Centers (LRDCs). A specific request to sample one format over another may be made by the Department at the time sampling instructions are issued.
- (3) Publishers of instructional materials may be asked to supply software or equipment that will be needed to view or otherwise use the materials if that software or equipment is not available at the Learning Resources Display Centers.

In addition, publishers who submit technology-based programs or programs with technology-based components, may be asked to provide, a hard copy of all print and pictures contained within the program(s). The Department will provide reasonable advanced notice.

The following guidelines will be used when requesting publishers to supply software or equipment:

- (i) A maximum of 12 units of standard items, e.g., video cassette players, personal computers (depending on the nature of the submission), computer operating systems, videodisk players, monitors, etc.
- (ii) A maximum of 26 units of non-standard items that is not widely available.

Publishers may be asked to provide software or equipment from the sampling date to the date of final action by the State Board. If their submissions are included on the list of adopted instructional materials, publishers may be asked to provide software or equipment at the identified sites for one year from the date of final action by the State Board.

- (5) After the final date for delivery of samples, changes or modifications to instructional materials during the review period by the publisher shall result in disqualification of the instructional materials from consideration in the 2002 Reading/Language Arts/English Language Development Adoption, unless the changes or modifications are made pursuant to the State Board's direction regarding content or legal compliance reviews. *If included on the list of adopted instructional materials, a submission's content or format shall not be changed except with the written consent of the Department.*
- (6) Samples of instructional materials adopted by the State Board must be available at Learning Resources Display Centers for a minimum of two years from the deadline for receipt of samples as specified in the Schedule of Significant Events.

d. Shipment Verification

Shortly after sample receipt deadlines, the Department shall conduct an inventory of instructional materials received at the Learning Resources Display Centers. Publishers will be notified of missing components and will be required to complete shipments.

Major sample distribution errors or failure to respond on a timely basis to the Department's sampling requirements or the Department's request for corrective shipments may result in disqualification of a submission.

e. Alternate Sampling Plan

Publishers may sample all components or request approval for an alternate sampling plan [see **Attachment C**]. These plans are due in the IR Unit no later than 5:00 p.m. on the date specified in the Schedule of Significant Events. Publishers must ensure when selecting an alternative sampling plan that IMAP and CRP members will have sufficient samples to evaluate the program in its entirety.

5. Withdrawing from the 2002 Reading/Language Arts/English Language Development Adoption

Publishers are discouraged from withdrawing their instructional materials from the 2002 Reading/Language Arts/English Language Development Adoption after the materials have been submitted. Any such withdrawal of submissions will be noted in the Curriculum Commission's report to the State Board and may be noted in any final action report prepared by the

State Board. **Moreover, no publisher may withdraw a submission on or after October 2, 2001.**

6. Analysis of Submissions in Relation to Applicable Standards, Requirements of Statute and Regulations, and Evaluation criteria

As a condition of participation in the 2002 Reading/Language Arts/English Language Development Adoption, publishers are required to complete and return, by the deadline specified in the Schedule of Significant Events, a standards map indicating where each submission meets applicable standards, requirements of statute and implementing regulations and the evaluation criteria. Failure to return the standards map by the specified deadline shall result in the submission's disqualification. The standards map shall be provided on disc and in hard copy. For compelling reasons beyond the publisher's control (e.g., natural disaster), the specified deadline may be extended on a case-by-case basis with the written permission of the Department.

B. Evaluation of Instructional Materials Submissions

1. Legal Compliance Review

- a.** Instructional materials submitted under the 2002 Reading/Language Arts/English Language Development Adoption shall be reviewed for legal compliance in accordance with Education Code sections 60200, 60040, 60041, 60042, and 60044, 60048 and the publication entitled *Standards for Evaluating Instructional Materials for Social Content (2000 edition)*. Publishers are notified of the results of the legal compliance review. If an item is found to be out of compliance, the publisher has three options:

- (1) *The item may be revised to bring it into compliance.* If a publisher chooses to revise the submission to bring it into compliance, the publisher shall notify the Department in writing of the proposed revision(s) within 30 days from the postmark date of the Department's written notification of noncompliance. Any proposed revision(s) must be approved by the Department, the Curriculum Commission (first-level appeal), or the State Board (second-level appeal). A finished copy of any revised instructional materials is due at the Department by 5:00 p.m. on March 15, 2002. The IR Unit must be notified as to how the revised instructional materials are to be distinguished from the original version (e.g., a new ISBN number may be assigned). Failure to bring items into compliance will result in disqualification of the

materials and, if already added to a list of adopted instructional materials, revocation of the item's adoption status.

- (2) *The finding of noncompliance may be appealed.* If a publisher chooses to appeal a citation of noncompliance, the publisher shall notify the Department in writing of the intent to appeal within 30 days from the postmark date of the Department's written notification of noncompliance. The appeal shall be limited to consideration of citations of noncompliance identified during the initial legal compliance review.

If the first-level appeal upholds the finding of noncompliance and the publisher intends to make a second-level appeal to the State Board, the publisher shall notify the Chair of the Curriculum Commission of the intent to appeal within ten days following the postmark date of the Curriculum Commission's written decision to uphold the finding of noncompliance. A second-level appeal to the State Board shall be limited to consideration of revisions or issues raised during the first-level appeal.

- (3) *The item may be declared noncompliant and disqualified.* The publisher may choose not to take any action and, thereby, allow the item to be declared noncompliant and disqualified from inclusion on the list of adopted instructional materials. Once an item has been eliminated for this reason, the Curriculum Commission will be so notified.

- b. Instructional materials approved for legal compliance do not need to be reevaluated unless the materials have changed substantially or the State Board's legal compliance standards and evaluation criteria are amended to the extent that, in the State Board's judgment, a reevaluation is necessary. If materials have already been approved for legal compliance, the publisher is asked to enclose a copy of the approval letter(s) with the submission form so that another legal compliance review will not be conducted.
- c. If an item is not added to a list of adopted instructional materials under the 2002 Reading/Language Arts/English Language Development Adoption but has been approved for legal compliance, the Department will place the item on the approved Legal Compliance Catalogue. **Publishers must clearly represent such items as "approved for legal compliance" or "approved for social content compliance" but not as "state approved," "state adopted," or any other term or phrase implying that the item has been approved or adopted by the State Board, Curriculum**

Commission, Department, or other agency of state government.
Misrepresentation may result in deletion of the affected item from the
list of materials approved for legal compliance.

2. Assessment Review for References to Standardized Tests in Instructional Materials

In 1995, the Legislature enacted Assembly Bill 265, Statutes of 1995, Chapter 975. This legislation added Education Code section 60611, which prohibits elementary or secondary schools from operating a program for specific test preparation. This code section states the following:

“No city, county, city and county, or district superintendent of schools or principal or teacher of any elementary or secondary school shall carry on any program of specific preparation of the pupils for the statewide pupil assessment program or a pupil assessment program or particular test used therein.”

To implement this Education Code section, the State Board took action to add CCR-5, section 854 on “Advance Preparation for Test” [see **Attachment F**]. In a further refinement to provide guidance to school districts and the public on the implementation of Education Code section 60611 and CCR-5, section 854, the State Board adopted in September of 2000 a “Policy on Preparation for State Tests and the Standardized Testing and Reporting (STAR) Program” [see **Attachment F**].

The State Board has directed the Department’s Standards and Assessment Division to conduct a narrow, specific review of submissions for consistency with law and the above-mentioned State Board policy. The findings from the Standards and Assessment Division will be shared with the publishers in the “corrections and edits” meeting scheduled in November of 2001. If a publisher refuses to remove the direct references to standardized tests in their submitted materials, that refusal will be so noted in the Curriculum Commission’s report to the State Board.

Examples of test preparation formatting will be reviewed at the Invitation to Submit meeting scheduled for March 14, 2001.

3. Content Review Panel and Instructional Materials Advisory Panel Reviews

An important activity in the California Adoption Process is the education content review process. CCR-5 Article 2.1 section 9516 governs the selection of members for this review process. This review process involves the participation of task force members referred to as: Content Review Panelists (CRPs) and Instructional Materials Advisory Panelists (IMAPs). The CRPs consist of subject matter experts who review the submitted instructional materials for accuracy, adequate coverage, current and confirmed research, and for alignment with the content standards. The IMAPs review the instructional

materials for all of the criteria as follows: 1) content/alignment with standards, 2) program organization, 3) assessment, 4) universal access, and 5) instructional planning and support. The CRPs and IMAPs provide the Curriculum Commission with their findings and recommendations on the submitted instructional materials.

The CRP and the IMAPs will be trained July 29-August 3 in the evaluation criteria to be used to review the submitted instructional materials. They will be given a “note writing guide” to assist them in their independent reviews during the months of August, September, and October.

The CRPs will convene in early September to calibrate on their preliminary findings. They will later meet with the IMAP members in mid-October of 2001, and share their final findings with the IMAPs during deliberations. Through the deliberative process, the IMAPs, with the assistance of the CRPs, shall prepare a consensus report on each of the submissions, along with a recommendation to the Curriculum Commission to recommend or not to recommend a submission to the State Board.

All of these meetings are open to the public. Publishers are given a formal opportunity during the Question and Answer session during deliberations to clarify issues and to provide additional information. However, publishers cannot add to or change the content of any of the submissions. The final IMAP/CRP reports and recommendations shall be made available to the public once approved and signed by each participating panelist.

4. Contact with CRP and IMAP Members

Publishers or manufacturers of instructional materials shall not contact CRP or IMAP members. The exceptions are during the specified times in the Schedule of Significant Events (deliberations) and in the prescribed manner, to discuss anything related to the evaluation of the submissions or the potential inclusion of submissions on the list of adopted instructional materials. Contact initiated by publishers with CRPs and IMAPs is prohibited other than during the scheduled times and in the prescribed manner. CRPs and IMAPs are required to report any such contact to the Department. Inappropriate contact may lead to disqualification of a publisher’s submission(s) from further consideration in the 2002 Reading/Language/English Language Development Adoption, legal action, or both. However, publishers may continue to contact those IMAP and CRP members with whom they have meetings in the normal course of the members’ local school/county office of education/ or board duties. CRPs and IMAPs shall not discuss any submission(s) under consideration with publishers.

At no time before or after the final action by the State Board, shall publishers or manufacturers publicize in any marketing of instructional materials any part of the draft or final IMAP/CRP reports or recommendations, Curriculum Commission reports, or State Board Adoption report. This includes publicizing other publishers’ IMAP/CRP reports or recommendations, Curriculum Commission reports, or State Board Adoption

report. Such action may be reported to the State Board and may result in the program being removed from the adopted list.

C. Price Quotation Submissions

The Department shall distribute to participating publishers preprinted “Price Quotation on Instructional Materials” forms [see **Attachment E**]. These documents are used to both (1) submit initial prices for new materials being considered for inclusion on the list of adopted instructional materials and (2) submit biennial price adjustments for adopted materials. **All price adjustment submissions must be in compliance with Education Code section 60061.**

On or before 5:00 p.m., September 7, 2001, publishers shall submit to the Department price quotations for the sale of completed instructional materials, including all transportation costs. The rate submitted is to reflect both the price of the instructional materials and the prepaid freight to any ordering point (e.g., district office) in California.

The prices submitted by publishers on “Price Quotation on Instructional Materials” forms will be in effect for a two-year period. **Prices may not be increased after the final filing date of the price quotation forms until the next scheduled biennial price update; however, it is the publisher's responsibility to notify the Department immediately of any item price reductions.**

D. Curriculum Commission Report and Recommendations

The Curriculum Commission shall review the IMAP and CRP findings, and the Curriculum Commission shall hold public hearings in accordance with the Schedule of Significant Events. Based on the information received, the Curriculum Commission shall prepare reports on the instructional materials submitted under the 2002 Reading/Language Arts/English Language Development Adoption. The Curriculum Commission shall also prepare a recommendation to the State Board to take action to adopt or reject each submitted program.

E. State Board Action

Following a public hearing on the Curriculum Commission’s recommendations, taking into account the totality of the information it receives, the State Board shall take final action to adopt or to reject each submission. The 2002 Reading/Language Arts/English Language Development adoption list will be valid through June 30, 2008. Thereafter, the Department shall notify participating publishers of the State Board’s actions. With regard to submissions included on the list of adopted instructional materials, the Department may request the submission of additional samples.

The State of California shall have the right to transcribe, reproduce, and distribute any submissions included on the list of adopted instructional materials under the 2002

Reading/Language Arts/English Language Development Adoption in Braille, large print, recordings, or other accessible media for use by pupils with disabilities. This right shall include computer diskette versions of print materials if made available to any other state and those corrections and revisions as may be necessary [see Education Code sections 60061(g), 60312, and 60313]. For further information regarding specialized media, contact the Clearinghouse for Specialized Media and Technology, 560 J Street, Suite 390, Sacramento, California, 95814; telephone, (916) 445-5103.

IV. Ordering and Distribution Process

A. Local Education Agency Ordering

Orders for state-adopted instructional materials purchased with local funds are placed directly with publishers. Districts may begin placing orders for newly adopted instructional materials any time after they have been adopted. Publishers should note that Education Code sections 60071-60073 prohibit publishers from offering local school officials any emolument, money, or valuable thing as inducement for school officials directly or indirectly to influence the adoption or purchase of any instructional materials.

With respect to the purchase of instructional materials by a local education agency, publishers shall comply with the following requirements:

1. The provisions of Education Code sections 60061 and 60061.5

Education Code sections 60061 and 60061.5 place a number of duties on publishers of instructional materials. All of these duties must be fulfilled. One of the duties—the providing of materials free of charge in this state to the same extent as that received by any state or school district in the United States—has been the source of some misunderstanding and has been clarified in CCR-5, section 9527, the provisions of which are summarized in the following paragraph.

Instructional materials must be supplied free of charge in California to the same extent as they are offered or supplied free of charge elsewhere in the United States. If materials are provided free of charge, publishers must notify the IR Unit in writing within 30 working days of the effective date of the offer so that all school districts may have the opportunity to order these materials. Publishers are responsible for notifying districts of their free offerings. Failure or refusal by a publisher to inform the Department within this period shall constitute a rebuttable presumption that the violation of Education Code section 60061 was willful. Free materials must comply with the requirements of Education Code sections 60040-60048 and 60200 and the publication entitled *Standards for Evaluating Instructional Materials for Social Content (2000 edition)* as well as State Board

Policy on *Preparation for State Tests and the Standardized Testing and Reporting (STAR) Program*, September 2000 [see **Attachment F**].

2. Quality of Workmanship

Instructional materials furnished and delivered to local education agencies by publishers shall conform to and be of the same quality of workmanship as the samples of the respective instructional materials submitted to the Department, except that the instructional materials shall also include all revisions, corrections, additions, and substitutions required by the State Board at the price adjusted by the State Board and the publisher.

3. Manufacturing Standards and Specifications

Upon the request of any local education agency, a publisher shall provide a copy of any manufacturing standards and specifications for the instructional materials with which the publisher is currently in compliance.

4. Discontinuation of Instructional Materials

Discontinuation of instructional materials before the expiration of the period of adoption under the 2002 Reading/Language Arts/English Language Development Adoption may cause a hardship on local education agencies by limiting their ability to order additional copies or to reorder components necessary for the use of the programs. Should a publisher stop supplying an instructional materials program (in whole or in part) before its adoption expiration date without having received prior written permission to do so from the local education agencies that purchased the program, the publisher shall buy back all copies of the affected program purchased by any local education agency that did not provide prior written permission. ***The buy back shall occur at the request of an affected local education agency, and the buy back price shall be that in effect pursuant to the purchase order or agreement at the time the program (in whole or in part) is discontinued.*** With the written consent of the Department, a publisher may discontinue instructional materials for which no orders have been placed in the preceding two years.

B. Delivery of Instructional Materials

Publishers of programs put on the list of adopted instructional materials under the 2002 Reading/Language Arts/English Language Development Adoption must deliver ordered materials within 60 days following receipt of a purchase order. The failure of a publisher to perform under the terms of any purchase order or agreement disrupts and delays the educational process in a local education agency and causes loss and damage to affected schools, their students, and the public interest. Failure includes: (1) late delivery or non-delivery of

instructional materials; (2) discontinuation of instructional materials without prior approval, as discussed above; and (3) delivery of unauthorized instructional materials. It is difficult to assess and fix the actual damages incurred due to the failure of a publisher to perform under the terms of a purchase order or agreement. Therefore, publishers shall comply with any of the following requirements made by local education agencies to failures to perform as compensating or liquidating damages, but not as penalties:

1. Unauthorized Instructional Materials

For the purposes of this section, unauthorized instructional materials are those that do not appear in exact description and terms in the purchase order or that have not been approved for delivery to California schools in written notice to the publisher from the State Board or Department.

2. Delivery of Unauthorized Instructional Materials

Should the publisher or producer deliver unauthorized instructional materials to a local education agency, on written notice from the agency, the publisher shall comply with the following requirements:

- a.** Withdraw the delivered unauthorized instructional materials from the local education agency.
- b.** Replace the unauthorized instructional materials with authorized instructional materials that are comparable in subject matter content, quality, quantity, and price in the California schools.
- c.** Incur all costs of transportation or any other costs involved to complete the transactions of withdrawing and replacing unauthorized instructional materials.
- d.** Complete the transactions of withdrawing unauthorized instructional materials and replacing them in the local education agency with comparable authorized instructional materials within 60 calendar days of the receipt of written notice from the agency.

3. Late Delivery

Should the publisher fail to deliver instructional materials within 60 days of the receipt of a purchase order from the local education agency and the publisher had not received prior written approval from the agency for such a delay in delivery, which approval shall not be unreasonably withheld, the agency may assess as damages an amount up to five hundred dollars (**\$500.00**) for each working day the order is delayed beyond **60 calendar days**. If late delivery results from

circumstances beyond the control of the publisher, the publisher shall not be held liable. Pursuant to this section, the maximum dollar amount that shall be assessed against the publisher from any individual purchase order shall be twenty thousand dollars (**\$20,000.00**). Should the local education agency take such action, the agency shall give the publisher written notification of the delivery delay and the date commencing the accrual of dollar amounts to be assessed against the publisher.

V. Additional Information Relating to Instructional Materials

A. Petition Process for Non-adopted Instructional Materials

Non-adopted instructional materials may be purchased by school districts using up to 30 percent of their IMF allocations under the State Board IMF Policy [see **Attachment G**]. Moreover, through a petition process set forth in statute, districts may exceed that percentage. The petitions must establish to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district.

None of the funds appropriated by Chapter 312, Statutes of 1998 (Schiff-Bustamante) may be used to purchase non-adopted K-8 instructional materials, and these funds are not subject to the petition process applicable to IMF allocations. However, the State Board has approved narrow, specific exceptions (waiver requests) that are outlined in the State Board's Schiff-Bustamante Waiver Policy. [see **Attachment H**]

For more information about the conditions and limitations on local funding for instructional materials, please contact the IR Unit. (<http://www.cde.ca.gov/cfir>)

B. Alternate Formats Developed Subsequent to the Adoption of Instructional Materials

1. Physical Format

If publishers develop alternate formats after the inclusion of their submission on the list of adopted instructional materials, these alternate formats may be submitted at any time during the period of adoption. Publishers are asked to provide the IR Unit with a copy of newly developed alternate formats. Alternate formats developed after the addition of a submission to a list of adopted instructional materials shall be given the same adoption termination date as the original formats. Alternate formats available at the time of addition to a list of adopted instructional materials will be included on the Price List and Order Form (PLOF) issued immediately after the completion of the State Board's action. Alternate formats developed later will be included on the PLOF via periodic updates.

2. Other Languages

Only components of a basic instructional materials program will be considered for inclusion on the adoption list as non-English alternate formats. If components of a basic instructional materials program (e.g., letters to parents or guardians who are non- or limited-English proficient, transparencies, or wall charts) are presented as non-English alternate formats, the Department will conduct a review to ensure that each component is an identical translation of the component as adopted by the State Board. Only if a component is determined to be an identical translation will it be included on the adoption list as an alternate format.

With respect to literature that is part of a basic instructional materials program adopted by the State Board, if literature in a language other than English is presented for inclusion on the adoption list as a non-English alternate format, the literature will be reviewed by the Department to ensure that it is equivalent in content to the English-language literature in the program as adopted by the State Board. Only if such literature is determined to be equivalent in content that adopted by the State Board will it be included on the adoption list as an alternate format.

C. Out-of-Cycle Legal Compliance

As noted above, up to 30 percent of IMF allocations may be used to purchase non-adopted instructional materials. Until June 30, 2002, 100 percent of IMF allocations may be used to purchase non-adopted instructional materials for the purpose of structured English immersion programs within the meaning of Education Code section 306. However, all instructional materials must have passed legal compliance to be eligible for purchase with these funds.

Publishers desiring to submit K-8 instructional materials for out-of-cycle legal compliance and inclusion on the list of *Instructional Materials Approved for Legal Compliance* should contact the IR Unit to determine the fee and sampling requirements. *Legal Compliance Catalog* is maintained on the Department's website (<http://search.cde.ca.gov/legal/>).

Publishers are cautioned not to represent instructional materials as “state adopted” or “state approved” if they have only been approved for legal compliance. Misrepresentation of the facts could result in a recommendation to the State Board for disqualification of all of a publisher’s instructional materials, including those previously adopted by the State Board.

D. Price List and Order Form (PLOF) Distribution

All current state-adopted instructional materials are listed in Department-produced subject Price List and Order Forms (PLOFs). Complimentary copies of the PLOFs are mailed to publishers of adopted instructional materials. Copies of the PLOFs for various subjects are maintained on the Department Website (<http://www.cde.ca.gov/cilbranch/eltdiv/pricelists/pricelists.htm>).

E. New Edition Substitutions

Upon written request by a publisher, the Department may approve a new edition of a program to replace the original edition on the list of State Board adopted instructional materials under the 2002 Reading/Language Arts/English Language Development Adoption, provided that:

- 1) Changes contained in the new edition are so minimal that both the new edition and the old edition may be used together in a classroom environment. **No content changes or content additions are allowed; however, factual inaccuracies that have been identified by a publisher or the public and confirmed by the Department should be submitted for correction so that all content is accurate.** (Technical upgrades of computer software that do not contain educational or social content changes shall be exempt from this requirement).
- 2) The changes meet legal compliance requirements of Education Code sections 60040-60044, 60048 and 60200, and *Standards for Evaluating Instructional Materials for Respect Social Content* (2000 edition).

The price of the original edition or a lower price shall apply until the next scheduled biennial price adjustment for that subject area.

When a publisher submits a request to substitute a newer edition of an adopted item, the Department will verify the suitability of the substitution. Once approved by the Department, the new edition will automatically be placed on the adoption list for the same adoption period as the original edition.

Unauthorized substitutions of state-adopted instructional materials are illegal and may subject the publisher's program to removal from the State Board adopted list. For more information, refer to section IV of the document, Ordering and Distribution Process.

VI. Contacts for Questions

Publishers are invited to submit programs of instructional materials for the 2002 Reading/Language Arts/English Language Development Adoption. The schedule and guidelines specified in this document must be followed. Any questions relating to the 2002 Reading/Language Arts/English Language Development Adoption should be addressed to the IR Unit:

Suzanne Rios, Administrator
California Department of Education
Instructional Resources Unit
721 Capitol Mall, 6th Floor
Sacramento, CA 95814
Telephone: (916) 657-3693
Fax: (916) 657-5148

Department-Publisher Liaison

Sandi Adams-Jones

California Department of Education
Instructional Resources Unit
721 Capitol Mall, 6th Floor
Sacramento, CA 95814
Telephone: (916) 657-3207
Fax: (916) 657-5148

Lead Consultant for Adoption

Dr. Deborah Keys

California Department of Education
Instructional Resources Unit
721 Capitol Mall, 6th Floor
Sacramento, CA 95814
Telephone: (916) 654-1281
Fax: (916) 657-5148

Program Content:

Patrice Abarca

Los Angeles USD
5911 Woodlawn Ave.
Maywood, CA 90270
Telephone: (323) 560-1230
Fax: (323) 562-4415

Marilyn Astore

Sacramento County Office of Education
9738 Lincoln Village Drive
Sacramento, CA 95826-3399
Telephone: (916) 228-2672
Fax: (916) 228-2403

Marion Joseph

4 Pulitzer Drive
Menlo Park, CA 94025
Telephone: (650) 323-3825
Fax: (650) 321-8196

Attachment A

Attachment A

2002 Reading/Language Arts/English Language Development Evaluation Criteria
Adopted by the State Board, December 1999

1 **2002 K-8 READING/LANGUAGE ARTS/**
2 **ENGLISH LANGUAGE DEVELOPMENT ADOPTION CRITERIA**
3 (Adopted by the State Board of Education on December 8, 1999)
4
5
6
7

8 **INTRODUCTION**
9

10 Since 1997, California has adopted critical elements of a comprehensive system for reading and language
11 arts. This system includes State Board of Education approved content standards, a framework, and a
12 statewide assessment system. The *English-Language Arts Content Standards for California Public*
13 *Schools for California Public Schools for California Public Schools* and the
14 *Reading/Language Arts Framework for California Public Schools* provide the basic foundation for the
15 design of instructional materials. All students, including students with special needs, will be tested on
16 mastery of the *English-Language Arts Content Standards for California Public Schools* in the statewide
17 testing program. The testing program includes STAR (SAT9 and Standards Based Test), a high school
18 exit exam (in development) and an English Language Development Test (in development). All students
19 will be required to take the first two exams, and English learners will be required, in addition, to take the
20 English Language Development Test.

21
22 All students must have equal opportunities to master these standards and equal opportunities to perform
23 well on the assessments. California is moving toward a system where instructional materials are designed
24 to ensure that: 1) virtually every student participates in the regular classroom and has access to the basic
25 curriculum; and 2) teachers are provided with the support they need to ensure that all students succeed.

26
27 The diversity of California's student population demands a unique design for instructional materials. All
28 students should fully participate in a basic reading/language arts program of one to two and one half hours
29 in length, utilizing comprehensive instructional materials that address all of the language arts content
30 standards for each grade level in a coherent fashion. The instructional materials should thoughtfully and
31 logically address the development of skills and knowledge within the strands that build through the grade
32 levels. Instructional materials that are designed in this way will be a key element in ensuring that students
33 are prepared to pass the required assessments.

34
35 The basic reading/language arts program should utilize instructional materials that are designed to foster
36 universal access, which means access for all students. These materials would include specific
37 suggestions, in the teacher's edition, for providing universal access to the curriculum as well as standards-
38 based extensions of the curriculum for advanced students. Instructional materials should describe specific
39 ways for the teacher to address the learning needs of all students and thereby ensure access for all students
40 to the basic grade-level materials and instruction. Instructional materials for the basic reading/language
41 arts program should be developed for the following minimal daily time periods: one hour at kindergarten;
42 two and a half hours at grades one through three; two hours at the upper elementary grades (grades four
43 through five or six); and at least one and up to two hours at the intermediate grades (grades six or seven
44 and eight).
45

In addition to the basic program, some students will need extra assistance to successfully complete grade-level content. All publishers are asked to provide additional instructional materials for special populations of students. The purpose of these additions to the program is to ensure that students will participate successfully in the basic reading/language arts program and will achieve mastery of the English-language arts standards. These materials would include 1) teacher and pupil English language development support materials for English learners of approximately 30 to 45 minutes each day to be used *in addition and connected to* the basic instruction in the regular classroom; 2) teacher and pupil special education support materials for special education pupils of approximately 30 to 45 minutes each day to be used *in addition and connected to* the basic instruction in the regular classroom.

Publishers are also encouraged to provide instructional materials for three special populations of students (students in grades four through eight whose reading achievement is significantly below grade level, English learners in grades four through eight who are at the beginning through intermediate levels of English proficiency, and students studying in languages other than English) as described in the box below. Required and optional program components are noted below. By providing teachers with the tools to organize instruction around the needs of learners and supplying teachers with the appropriate instructional materials their students need, California can maximize the chances that each student will have the opportunity to learn the skills and knowledge embodied in the standards.

This document provides criteria for evaluating reading/language arts instructional materials in five categories: (1) alignment with the content in the *English-Language Arts Content Standards for California Public Schools for California Public Schools*; (2) program organization; (3) assessment; (4) universal access; (5) instructional planning and support. Instructional materials in reading language arts must support teaching that is aligned with the standards and the framework. Materials that fail to meet the content criteria in category 1 will not be considered satisfactory for adoption. Within category 4, universal access, some criteria are optional and some are required. The criteria in categories 2 through 5 will be considered holistically. In addition to the five categories, all instructional materials must meet all applicable requirements contained in codes and regulations, including Education Code sections 60040, 60041, 60042, and 60044, and applicable sections of the Title 5 Regulations.

All publishers must design basic reading/language arts instructional materials that incorporate principles of universal access for the following minimal daily time periods:

- In addition, all publishers must design two additional supporting components that reinforce and extend the basic program:

- ### Optional programs

- ◆ Publishers may choose to provide a comprehensive, intensive, accelerated reading/language arts program designed for students in grades four through eight whose reading achievement is significantly below grade level.
- ◆ Publishers may choose to develop a comprehensive language arts program designed specifically for English learners in grades four through eight whose proficiency in English is at the beginning through intermediate levels. These programs would be designed to accelerate the learning of English and would address all of the *English-Language Arts Content Standards for California Public Schools* by grade level.
- ◆ Publishers may choose to provide a language arts program in languages other than English for those students on waiver, provided those programs are comprehensive, systematic, and are designed to transition students successfully to English. These programs must be consistent with the content of the *Reading/Language Arts Framework*.

Criteria Category 1: Alignment with *English-Language Arts Content Standards for California Public Schools*

- ◆ Instructional materials as defined in Education Code section 60010 (h) provide instruction designed to ensure that students master each of the *English-Language Arts Content Standards for California Public Schools for California Public Schools for California Public Schools*.
- ◆ Instructional materials reflect and incorporate the content of the *Reading/Language Arts Framework*.
- ◆ Instruction reflects current and confirmed research in reading/language arts instruction.
- ◆ Standards that require extensive teaching and are clear prerequisites for later standards are afforded sufficient instructional time.
- ◆ Careful attention is given in the early grades, and in the optional intensive reading/language arts programs, to the standards for early reading and the importance of the alphabetic writing system.
- ◆ The basic reading/language arts curriculum in kindergarten through grade three provides explicit, sequential, logical, systematic instruction and diagnostic support in:
 - ✓ Phonemic awareness (through grade one)
 - ✓ Phonics
 - ✓ Decoding
 - ✓ Word-attack skills
 - ✓ Spelling
 - ✓ Vocabulary
 - ✓ Comprehension skills
 - ✓ Writing skills and strategies and their application
 - ✓ Written and oral English language conventions
 - ✓ Listening and speaking skills and strategies and their application
- ◆ In phonics instruction, all the sound-spelling correspondences are taught in a sequential and logical design.
- ◆ The basic reading/language arts curriculum for grades four through eight provides explicit, systematic, sequential, logical instruction and diagnostic support in:
 - ✓ Word-attack skills (e.g., decoding and structural as applied to multi-syllabic words)
 - ✓ Spelling
 - ✓ Vocabulary
 - ✓ Comprehension skills, including contextual skills
 - ✓ Text-handling and strategic reading skills
 - ✓ Writing skills and strategies and their applications to a variety of purposes, as specified in the content standards
 - ✓ Written and oral English language conventions
 - ✓ Listening and speaking skills and strategies and their application
- ◆ Content must be written in a manner that is grammatically correct.
- ◆ Sufficient pre-decodable and decodable texts are included at the early stages to allow students to develop automaticity and practice fluency. Those materials designated by the publisher as decodable must have at least 75% of the words comprised solely of previously taught sound-spelling correspondences, and from 15% to 20% of the words comprised of previously taught high frequency words and story words. High frequency words introduced in pre-decodable and decodable texts are taken from a list of the most commonly used words in English, prioritized by their utility. Sufficient is defined as the following:

- ✓ Kindergarten - at least 15 pre-decodable books (pre-decodable is defined as small books used to teach simple, beginning, high frequency words usually coupled with rebus)
- ✓ Kindergarten - approximately 20 decodable books, integrated with the sequence of instruction
- ✓ First grade - Two books per sound-spelling totaling a minimum of 8,000 words of decodable text over the course of a year
- ✓ Second grade - approximately 9,000 words of decodable text, two decodable books per sound-spelling determined by the instructional sequence of sound-spelling correspondences for students who still need this instruction
- ◆ Each decodable text contains a list at the back of all the high frequency words and sound-spelling correspondences introduced in that book, as well as those previously taught in the series.
- ◆ A list of books for independent reading that spans at least three grade levels and matches the topics of the units are included.
- ◆ Reading selections, including those read to students and those students read, are of high quality, interesting, motivational, multicultural, and age-appropriate for students.
- ◆ Reading materials used for in-class work and homework as students progress through the grades are suggested or included to ensure that students read the amount of text specified in the standards at various grade levels.
- ◆ Teacher's editions suggest reading material for students to read, outside of class, at least 20 minutes a day in grade one and 30 minutes a day in grades two and beyond.
- ◆ High-quality literature is an integral part of language arts instruction at every grade level.
- ◆ Informational text to support standards in reading comprehension and writing applications is included for all grades. When included, informational text addressing topics in history-social science, science, and mathematics is accurate and consistent with grade-level standards.
- ◆ Writing in response to text is an integral part of instruction at all appropriate grade levels. Instruction in writing strategies and applications progresses in breadth, depth, and sophistication as specified in each grade-level writing standard.
- ◆ Instructional materials follow the specific types of writing required in the content standards at each grade level. In addition to the traditional narrative forms, materials will include instruction in the following types of writing: research reports, persuasive compositions, as well as technical and career-related documents as defined by the grade level standards.
- ◆ Instructional content reflects the reciprocal and related processes of reading, writing, conventions, and listening and speaking. The content integrates standards across domains and standards within language arts and across core academic disciplines of history-social science and science, as well as other content areas where appropriate.
- ◆ Instructional resources provide strategies for teachers and materials for developing academic language (i.e. the more difficult, abstract, technical and specialized vocabulary and concepts used in texts and tests).
- ◆ Instructional materials provide assignments designed to have students listen to, read, speak and write academic language.
- ◆ All instructional materials are an integral part of the grade level content for reading/language arts. Extraneous materials not aligned to the standards are minimal in number and must not detract from the students' mastery of English-language arts standards.

Criteria Category 2: Program Organization

- ◆ Scope and sequence align with English - Language Arts Content Standards and strands, although within each grade level the standards and the strands do not have to be addressed in the order in which they appear in the standards.
- ◆ Reading/language arts instructional materials are designed for the following minimal daily time periods for the regular instructional program:
 - ✓ 1 hour in kindergarten
 - ✓ 2.5 hours in grades 1-3
 - ✓ 2 hours in grades 4-5/6
 - ✓ 1 to 2 hours in grades 6/7-8
 - ✓ In addition, all publishers are asked to provide ELD support materials for 30-45 minutes daily, and special education support materials for 30-45 minutes daily leading to mastery of *English-Language Arts Content Standards for California Public Schools* and success within the basic program.
- ◆ In order to protect language arts instructional time, those K-3 content standards in history-social science and science that lend themselves to instruction during the language arts time period are addressed within the language arts materials, particularly in the selection of expository texts that are read to students, or that students read.
- ◆ Instructional design reflects a coherent and linguistically logical sequence of instruction.
- ◆ Instructional materials may group related standards and address them simultaneously for purposes of coherence and utility.
- ◆ The introduction and sequencing of topics is progressive, continuous and arranged for an optimal rate of learning and appropriate pacing.
- ◆ The instructional design enhances students' retention and generalization of what is learned.
- ◆ More time and emphasis are afforded major encompassing ideas.
- ◆ Students are taught skills and given activities to practice skills, including opportunities to connect and apply those skills.
- ◆ Dimensions of complex tasks are analyzed and broken down into component parts; each part is taught in a logical progression.
- ◆ Specific objectives are identified and sequenced.
- ◆ Content increases in difficulty: prerequisite skills are taught before more sophisticated ones; prerequisite skills are mastered prior to advanced application.
- ◆ Materials and assessment include a cumulative and/ or spiraled review of skills.
- ◆ Individual and group learner proficiencies are used to make determinations about additional instruction (review, re-teaching, or accelerating the pace).
- ◆ Similar and confusing content and strategies are separated.
- ◆ The amount of new information is controlled and connected to prior learning, and students are explicitly assisted to make connections.
- ◆ Teacher communication to students is clear, using vocabulary and language structures that students understand.
- ◆ Materials rule out likely misinterpretations, identify and correct common misconceptions held by students, and provide teachers with suggestions of how to correct those misconceptions.
- ◆ Instructional materials include directions for:
 - ✓ Direct teaching
 - ✓ Demonstration
 - ✓ Teacher modeling
 - ✓ Guided and independent practice and application

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- 240 ✓ Appropriate pacing of lessons
- 241 ✓ Pre-teaching and re-teaching as needed
- 242 ♦ Instructional materials include adequate practice and review (sufficient review, distributed review,
- 243 cumulative review, varied review).
- 244 ♦ Instructional materials provide extra practice for students who need it.
- 245 ♦ Instructional materials are standards based and include acceleration or enrichment materials, various
- 246 assignments, and/or suggestions for advanced learners.

Criteria Category 3: Assessment

- ◆ Assessments measure the understanding and application of skills and knowledge embedded in the instructional program.
- ◆ Assessments measure standards in several formats for immediate follow-up to instruction, for practice, and for review in order to keep teachers informed on how well students have mastered the standards.
- ◆ Assessments help teachers determine the effectiveness of their instruction by:
 - ✓ Conducting assessments at strategic points of instruction (entry level, monitoring of progress and summative) as suggested on pages 218 and 220 in the *Reading/Language Arts Framework*
 - ✓ Monitoring student progress at the end of each unit of instruction
 - ✓ Determining instructional program activity options (e.g. review, preteach or reteach, provide additional practice, maintain or accelerate pacing, provide intensive intervention)
- ◆ Assessments vary in administration (group and individual) and in types of tasks (e.g. multiple choice, short answer, essay, and oral presentation).
- ◆ Materials offer guidance on the importance of uses and interpretations for at least two kinds of assessment: (1) those embedded in the instructional program; and (2) those norm-referenced to comparison groups of students.

Criteria Category 4: Universal Access

Introduction

The goal of reading/language arts programs in California is to ensure access to high-quality curriculum and instruction for all students and teachers so they can meet or exceed the state's *English-Language Arts Content Standards for California Public Schools*. To reach that goal, teachers must be provided with instructional materials that will provide them with the necessary content and pedagogical tools to teach students to master the standards. Teachers need assistance in using assessments for planning programs, differentiating curriculum and instruction, determining effective grouping strategies, and implementing other strategies for meeting the needs of students with reading difficulties, special education students, advanced learners, English learners, and students with a combination of these needs. The basic reading/language arts materials must encompass a range of materials for teacher and pupil editions sufficient to meet the needs of students at various benchmark and strategic levels of intervention.

Instructional materials present comprehensive guidance for teachers in providing effective, efficient instruction for all students. Instructional materials must be constructed to meet the needs of those who enter school above, at, or one or more grade levels below the content standards, and therefore are adaptable to each student's point of entry. Such differentiated instruction will always need to be focused on the standards. All suggestions and procedures for meeting the instructional needs of students are not to be added as superficial afterthoughts to the main focus of instruction. Rather, the instructional materials need to be constructed so that the teacher is not expected to create extensive modifications in order to meet the learning needs of a full range of students.

This category covers criteria for universal access of all instructional materials; however, publishers should give special attention to materials developed for four specific groups outlined in this section: special education; students in grades four through eight who are significantly below grade level in reading; advanced learners; and English learners (EL).

The following design principles are guidelines for publishers to use in creating materials that will allow access for all students.

Design Principles for Perceptual Alternatives

- ◆ Consistent with federal copyright law, provide all student text in digital format so that it can easily be transcribed, reproduced, modified, and distributed in Braille, large print (only if the publisher does not offer such an edition), recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard materials.
- ◆ Provide written captions and/or written descriptions in digital format for audio portions of visual instructional materials, such as videotapes (for those students who are deaf or hearing impaired).
- ◆ Provide educationally relevant descriptions for those images, graphic devices, or pictorial information essential to the teaching of key concepts. (When key information is presented solely in graphic or pictorial form, it limits access for students who are blind or who have low vision. Digital images with verbal description provide access for those individuals and also provide flexibility for instructional emphasis, clarity, and direction.)

Design Principles for Cognitive Alternatives

- ◆ Use "considerate text" design principles which include:

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- ✓ Adequate titles for each selection
- ✓ Introductory subheadings for chapter sections
- ✓ Introductory paragraphs
- ✓ Concluding or summary paragraphs
- ✓ Complete paragraphs including clear topic sentence, relevant support, and transitional words and expressions (e.g., furthermore, similarly)
- ✓ Effective use of typographical aids - boldface print, italics
- ✓ Adequate, relevant visual aids connected to the print: illustrations, photos, graphs, charts, maps
- ✓ Manageable versus overwhelming visual and print stimuli
- ✓ Identification and highlighting of important terms
- ✓ List of reading objectives or focus questions at the beginning of each selection
- ✓ List of follow-up comprehension and application questions
- ◆ Provide optional information or activities to enhance students' background knowledge. (Some students face barriers because they lack the necessary background knowledge. Pre-testing prior to an activity will alert teachers to the need for advanced preparation. Instructional materials can include optional supports for background knowledge, to be used by students who need them.)
- ◆ Provide cognitive supports for content and activities: a) provide assessment to determine background knowledge; b) summarize those key concepts from the standards that the content addresses; c) provide scaffolding for learning and generalization; d) build fluency through practice.

Design Principles for Means of Expression

- ◆ Explain in the teacher's edition that there are a variety of ways for students with special needs to use the materials and demonstrate their competence, e.g. for students who have dyslexia or who have difficulties physically forming letters, writing legibly, or spelling words. Suggest in the teacher's edition modifications that teachers could use to allow students to access the materials and demonstrate their competence. Examples of modifications of means of expression might include (but are not limited to) student use of computers to complete pencil and paper tasks, use of on-screen scanning keyboards, enlarged keyboards, word prediction, and spellcheckers.
- ◆ Publishers should provide support materials that will give students opportunities to develop oral and written expression.

The following design principles are guidelines for publishers to use in creating materials that will allow access for specific groups of students:

(a) Special Education - criteria for an additional 30-45 minutes of instructional materials

- ◆ Instructional materials should present comprehensive guidance for teachers in providing effective, efficient instruction for special needs students. Instructional materials for special needs students must be standards-aligned, assessment-based, instructional programs leading to mastery of all the language arts content standards. These are intervention instructional materials that can be used to

- 351 ♦ ensure that students will be successful in the basic curriculum. These resources can be delivered by
352 the classroom or specialist teacher.
- 353
- 354 ♦ There must be sufficient instructional materials for increased instructional time. For students in
355 grades K-3, materials include a minimum of 30 additional minutes of instruction daily and in grades
356 four to eight, a minimum of 45 additional minutes. These additional instructional materials tie
357 specifically to, reinforce, and extend the regular classroom instruction, and:
- 358
- 359 ✓ Provide additional opportunities for teachers to check for understanding.
 - 360 ✓ Increase background knowledge and prerequisite skills and concepts.
 - 361 ✓ Provide additional vocabulary development opportunities.
 - 362 ✓ Provide additional practice.
 - 363 ✓ Assist students in organizing and sorting tasks within assignments.
 - 364 ✓ Re-teach previously taught material.
 - 365 ✓ Pre-teach material which will be covered the next day.
 - 366 ✓ Vary the pacing - accelerating two years into one - moving as quickly as possible.
 - 367 ✓ Scaffold instruction (for example, if students are studying plot, provide three levels of difficulty in
368 the reading materials students will use to study plot).
 - 369 ✓ If books on tape are used, provide discussion on features of the text, key concepts, etc., either for
370 class discussion or on the tape.
 - 371 ✓ Provide explicit instruction in the physical presentation of text and/or text structure in order to
372 facilitate reading comprehension (for example, explain to students what logic underlies the use of
373 italics, bold, underlining, font changes and/or color).
 - 374 ✓ Allow additional opportunities for student expression and participation.
- 375
- 376 **(b) Intensive instruction for students in grades four and above who are significantly below grade**
377 **level in reading (estimated 2.5 to 3 hour comprehensive program). Publishers may, but are not**
378 **required to, provide this intervention program. Publishers may submit such an intervention**
379 **program as a "stand-alone."**
- 380
- 381 ♦ There are two purposes of reading/language arts instruction for students in grades four and above who
382 are, for whatever reason, significantly below grade level in reading achievement: 1) the students must
383 be taught to read; and 2) the students must be taught those grade level standards they have not
384 previously mastered. These are assessment-based, comprehensive programs. Programs for these
385 students must include intensive intervention designed to accelerate student access to the basic
386 reading/language arts program and mastery of grade level standards.
- 387
- 388 ♦ These materials must:
- 389 ✓ Provide for intensive, accelerated, comprehensive intervention for students who are significantly
390 below grade level in reading instruction, designed to move them as quickly as possible to grade
391 level achievement in reading
 - 392 ✓ Provide explicit and systematic instruction in phonemic awareness, word attack skills including
393 decoding, phonics, comprehension, vocabulary development, and additional practice materials
- 394

- ✓ Include a comprehensive diagnostic assessment that determines student's placement into the program, as well as frequent and comprehensive curriculum-embedded assessments of student progress in skill development.
- ✓ Provide a range within the instructional materials that allows flexibility to start students at the beginning, or wherever they need to be, according to appropriate assessment data.
- ✓ Suggest appropriate grouping based on students' needs.
- ✓ Scaffold instruction (for example, if students are studying plot, provide three levels of difficulty in the reading materials students will use to study plot - please refer to *Reading/Language Arts Framework* for information regarding scaffolding).
- ✓ Provide explicit instruction in the physical presentation of text and/or text structure in order to facilitate reading comprehension. For example, explain to students what logic underlies the use of italics, bold, underlining, font changes and/or color.
- ✓ Allow additional opportunities for student expression and participation.

(c) Design Principles for Advanced Learners (to be included within basic materials)

- ◆ Teacher and student editions include suggestions or materials for advanced learners who need an enriched or accelerated program or assignments.
- ◆ Materials provide suggestions to help students study a particular author, theme, or concept in more depth and conduct a more complex analysis with attention to additional independent readings.
- ◆ Materials remind teachers of standards at higher-grade levels to help teachers provide a challenge for all students.

(d) English Learners (EL) - criteria for 30-45 minutes of additional instructional materials

- ◆ Materials help teachers teach English learners to master the *English-Language Arts Content Standards for California Public Schools for California Public Schools for California Public Schools*--notably, to read, write, comprehend and speak at personally and academically proficient levels.
- ◆ Lessons address the various English language proficiency levels of English learners as determined by the state-approved English Language Development Test (in development).
- ◆ For English learners in grades four through eight who are at the intermediate through early advanced levels of English proficiency and for all English learners in grades K-3, materials include a minimum of 30-45 additional minutes of English language development instruction daily that is systematically connected to the basic reading/language arts program. The materials are designed to enable students to be successful in the basic reading/language arts program. The materials provide additional support in areas in which students are likely to have difficulty—primarily the following strands and substrands of the English-language arts standards:
 - ✓ Academic language
 - ✓ Vocabulary and concept development
 - ✓ Sentence structure
 - ✓ Grammar
 - ✓ Phonologically-based spelling
 - ✓ Listening and speaking comprehension
 - ✓ Organization and delivery of oral communication
 - ✓ Speaking applications
- ◆ Publishers provide a chart in the *teacher's edition* showing how new or difficult sounds and features of the English language are taught and reinforced. Comparisons with the five or more most common

languages in California will be incorporated as appropriate.

- ◆ The additional instructional materials include appropriate timed segments that address the following instructional components:

- ✓ Checking for understanding
- ✓ Pre-teaching for upcoming lessons
- ✓ Re-teaching previous material
- ✓ Scaffolding
- ✓ Extra, targeted practice
- ✓ Opportunities for students to practice producing language

- ◆ Publishers provide specific direction in the *teacher's edition* regarding the use of instructional materials that support and develop key concepts. Instructional materials include, when appropriate, picture cards with words, transparencies, charts and computer software, as well as suggestions for realia that are easily accessible to the teacher.

(e) Intensive instruction for students in grades four and above who are at the beginning through intermediate levels of English proficiency and who may have little prior schooling or limited literacy (estimated 2 to 3 hour comprehensive program). Publishers may, but are not required to, provide this program. Publishers may submit such a program as a "stand-alone."

- ◆ Publishers may develop, for students in grades four through eight whose proficiency in English is at the beginning through intermediate levels, an intensive, comprehensive reading/language arts program addressing literacy and language development. The materials incorporate the elements for English language development described above and are designed so that the intensive, accelerated, and extensive English-language development complements and supports literacy instruction.

(f) Comprehensive reading/language arts materials in languages other than English

- ◆ As an option, publishers may develop comprehensive programs of reading/language arts in the key languages of the state for those students on waiver as defined by Proposition 227. Primary language programs parallel English-language arts programs and are aligned with the *English-Language Arts Content Standards for California Public Schools* and the *Reading/Language Arts Framework for California Public Schools* with appropriate modifications for the primary language. Primary language programs are designed to transition students to English and must include all the same components as English-language arts programs.
- ◆ English language development materials must also accompany primary language materials for English learners. These ELD materials help develop language and allow the primary language skills learned to be applied in English with additional teaching of skills unique to the language.

Criteria Category 5: Instructional Planning and Support

(See pages 8 and 9 of Reading/Language Arts Framework for the Key to Curricular and Instructional Profiles. In addition, see profiles within the section of each grade level)

Teacher editions should include the following:

- ◆ Instructional materials provide a clear road map for teachers to follow when planning instruction.
- ◆ Instructional materials include a teacher-planning guide describing how to use all the components of the program in order to meet all the English-language arts standards and the relationships between the components.
- ◆ Publishers provide teachers with instructional examples and practice opportunities for students as the students develop in the sophistication of writing.
- ◆ The teacher's edition describes: what to teach, how to teach and when to teach.
- ◆ Learning objectives and instruction are explicit and the relationship of lessons to standards or skills within standards is explicit.
- ◆ Lesson plans, and the relationships of parts of the lesson, are clear.
- ◆ Critical components of lessons are prioritized.
- ◆ Terms from standards are used appropriately in the instructions.
- ◆ Each lesson includes a list of necessary materials.
- ◆ All assessment, instructional tools and informational technology resources include technical support and suggestions for appropriate use of technology.
- ◆ Electronic learning resources, when included, are integral parts of the program.
- ◆ The teacher resource materials provide background information about each reading selection, including author, context, content, and information about illustrations, if any.
- ◆ Materials include instructions for the teacher on salient features of the reading material and suggestions on how to use each reading selection in the lesson or lessons.
- ◆ Materials include specific guidance for teachers on how to use texts at different levels to increase reading fluency.
- ◆ Instructional practices recommended in the instructional materials are based on current and confirmed research wherever such research exists.
- ◆ Materials discuss and address common misconceptions held by students.
- ◆ Materials suggest grouping strategies appropriate to the instructional objectives.
- ◆ Homework extends and reinforces classroom instruction, and provides additional practice of skills that have been taught.
- ◆ Materials include suggestions on how to explain students' progress towards standards.
- ◆ Materials include suggestions for parents on how to support student achievement.
- ◆ Format makes it easy to distinguish instructions for teachers from those for students.
- ◆ Pre-teaching, re-teaching, extension and acceleration activities are clearly labeled.
- ◆ Answer keys are provided for all workbooks and other related student activities.
- ◆ Publishers provide charts of time and cost of staff development services available for preparing teachers to fully implement the basic reading/language arts program.

518 **Partial list of references:**
519
520 California Department of Education, *Reading/Language Arts Framework for California Public Schools*,
521 1999
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523 California Department of Education, *English-Language Arts Content Standards for California Public*
524 *Schools for California Public Schools for California Public Schools*, 1997
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526 Kinsella, Kate, “Considerate Text Principles,” Presentation to California Curriculum Development and
527 Supplemental Materials Commission, May, 1998
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529 National Center to Improve Tools of Educators (NCITE); <http://idea.oregon.edu/~ncite/>
530
531 Orkwis, Raymond and McLane, Kathleen, *A Curriculum Every Student Can Use: Design Principles for*
532 *Student Access*, The ERIC Clearinghouse on Disabilities and Gifted Education, The Council for
533 Exceptional Children, 1998.
534
535 California Special Education Reading Task Force and California Department of Education, *The*
536 *California Reading Initiative and Special Education in California: Critical Ideas to Focus Meaningful*
537 *Reform*, 1999

Attachment B

Attachment B

Instructions for Requesting a CD-ROM to Provide Submission Information

INSTRUCTIONS FOR REQUESTING A CD-ROM AND SUBMISSION INFORMATION

PUBLISHERS MUST SUBMIT THE FOLLOWING BY MAY 2, 2001:

1. Diskette containing a list of all items to be considered for adoption
2. Contact Form
3. Program Descriptions (see page 15 of Invitation to Submit packet)
4. Technology requirements and Technology Contacts
5. List of kit components (for every item on your submission disk that is composed of more than one component, list on a separate sheet of paper all components included in the item)

A CD-ROM and instructions will be supplied to all requesting publishers. To request a CD-ROM and instructions, please contact Larry Dunn at **(916) 657-2919**.

The following hardware specification is needed to prepare the CD with submission information:

- PC with a 486DX/66 MHz or higher processor (Pentium or higher processor is recommended)
- Microsoft Windows 95 or later operating system
- 16 MB of RAM for Windows 95 or later operating system (32 MB recommended)
- 20 MB hard-disk space required, CD-ROM drive
- Microsoft Mouse or compatible.

If you have any questions, contact Sandi Adams-Jones at **(916) 657-3207**.

Attachment C

Attachment C

Publishers' Checklist and Instructions for Alternate Sampling Plan Alternatives

PUBLISHER CHECKLIST

Enclosures/Information

- ☐ Disk and Contact Form
- ☐ Detailed Technology Requirements and Contacts
- ☐ Program Descriptions
- ☐ Prior Legal Compliance Approval (Include approval letter)
- ☐ List of Kit Components

I understand that the consensus reports and recommendations of the Instructional Materials Advisory Panels for the 2002 Reading/Language Arts/English Language Development Instructional Materials Adoption will be available for purchase when completed and may contain both positive and negative statements regarding each of the programs considered. The State Board Adoption Report, which may also contain positive and negative statements regarding individual programs, will be made available to all local education agencies after the State Board's action and will also be available for purchase and available through the California Department of Education web site.

Signature of Authorized Representative		Date
Name of Authorized Representative (Please Print)		Company:
Address:		City, State, Zip
Telephone:		FAX Number:
Email Address:		

Optional: We are requesting the following Alternative Sampling Plan(s):

Check appropriate Boxes:

- ☐ Alternative 1
- ☐ Alternative 2
- ☐ Alternative 3
- ☐ Alternative 4
- ☐ Alternative 5
- ☐ Alternative 6

Please return to:
California Department of Education,
Instructional Resources Office,
P.O. Box 944272, Sacramento, CA 94244-2720, or
721 Capitol Mall, 6th floor, Sacramento, CA 95814

Alternate Sampling Plan

Unless otherwise noted, all materials are to be provided to all LRDC sites (currently 25), all CRPs and IMAPs*, all requesting Curriculum Commissioners and State Board of Education members. All student print materials are to be provided to all Learning Resources Display Centers, CRPs and IMAPs, either as stand-alone pieces or as part of teacher's editions (e.g., wraparound teacher's manuals).

In an effort to reduce sampling costs to publishers, we have developed the following alternative sampling plans. If you select one (or more) of these alternatives, keep in mind the importance of the IMAP members having sufficient materials to evaluate the program, and select alternatives that you believe will best represent your program. Guidelines for providing sample kits are described on page. If you select one or more of these alternatives, you must indicate all of the alternatives you have chosen on Attachment C, **and return the completed form by May 2, 2001.** Sampling instructions will be forwarded to you based on requests from Curriculum Commission and State Board of Education members and the alternatives you select. If you have not requested an alternate sampling plan by May 2, you will receive instructions to provide samples of all items to all Learning Resources Display Centers, CRPs and IMAPs, and to Commissioners and State Board members as requested.

You can choose one or more alternatives:
--

Alternative 1

Student editions are not provided, because the teacher's editions are wraparound or the student pages are represented in the teacher's editions. (Otherwise, both student editions and teacher editions are sampled to all CRPs & IMAPs and all Learning Resources Display Centers.)

Alternative 2

Computer software, CD-ROM, videotapes, and laser disk components are provided to all CRPs & IMAPs and only to the high tech Learning Resources Display Centers (currently 15 sites).

Alternative 3

Computer software, CD-ROM, videotapes, and laser disk components are provided only to high tech Learning Resources Display Centers, (currently 15 sites), but not provided to any CRPs or IMAPs.

Alternative 4

Literature kits and/or Art Print kits are provided to all IMAPs and a minimum of 3 Learning Resources Display Centers, but no more than half of the Learning Resources Display Centers, as designated by the Department. The Department may suggest a matrix-sampling plan. Learning Resources Display Centers not receiving the kits will receive a list of literature, or list of art prints contained in the kits. (Otherwise, all kits will be sampled to all Learning Resources Display Centers).

Alternative 5

Kits of manipulatives will be sent to all Learning Resources Display Centers (unless Alternative 6 is selected); and a minimum of 3 IMAP members, but no more than half of the members as designated by Department. (Otherwise, all kits will be sampled to all IMAPs).

Alternative 6

Kits of manipulatives will be sent to all IMAPs (unless Alternative 5 is selected); and a minimum of 3 Learning Resources Display Centers, but no more than half, as designated by Department. (Otherwise, all kits will be sampled to all Learning Resources Display Centers.)

Note: A manipulative kit is described as resources that do not contain print or pictures, (including videos, cassettes, and software), and therefore, do not require a legal compliance review. Do not choose Alternative 4 or 5 if your manipulative kit contains these items. However, you may request to send a sample kit as described on page 14.

If you plan on utilizing one or more of the above alternate sampling plan alternatives, you must indicate all of the alternatives you will be using (1, 2, 3, 4, 5, 6) on the form provided (Attachment C) by May 2, 2001. Sampling instructions will be developed and forwarded to you based on the alternatives you select. In addition, samples must be provided to Curriculum Commission members, State Board of Education members, and the Department of Education as requested. If you do not request and return the completed form by May 2, 2001, sampling instructions will direct you to sample all submitted items to all Learning Resources Display Centers and IMAPs.

*"IMAP" refers to the panel members assigned to review your specific program -- approximately 7-15 members. "CRP" refers to the content review panel that will be looking at student and teacher material and materials that are needed to meet the content standards.

Attachment D

California Education Code
Part 33. Instructional Materials and Testing

Attachment D
California Education Code
Part 33. Instructional Materials and Testing

EDUCATION CODE
SECTION 60000-60812

60000. (a) It is the intent and purpose of the Legislature in enacting this part to provide for the adoption and selection of quality instructional materials for use in the elementary and secondary schools.

(b) The Legislature hereby recognizes that, because of the common needs and interests of the citizens of this state and the nation, there is a need to establish broad minimum standards and general educational guidelines for the selection of instructional materials for the public schools, but that because of economic, geographic, physical, political, educational, and social diversity, specific choices about instructional materials need to be made at the local level.

(c) The Legislature further recognizes that the governing boards of school districts have the responsibility to establish courses of study and that they must have the ability to choose instructional materials that are appropriate to their courses of study.

60001. For the purposes of any provision of the California Constitution that requires the adoption of textbooks for use in the elementary schools, the state board shall adopt at least five separate basic instructional materials for each grade level and each subject area as required by section 60200.

60002. Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials.

60005. (a) The Legislature finds and declares that it is in the public interest for the State Board of Education to adopt policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials only after public notice, comment by the public, and review by the Office of Administrative Law and for these policies and procedures to be published in the California Code of Regulations. Therefore, the Legislature reaffirms that the policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials shall be adopted pursuant to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

These policies and procedures include, but are not limited to, the following:

- (1) Board policies that define statutory terms.
- (2) Board policies that prescribe the membership of committees used in the development and adoption process.
- (3) Procedures that regulate public participation in the development of curriculum frameworks and the adoption of instructional materials.

(b) The board shall adopt as regulations the policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials.

(c) (1) The following shall not be subject to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code:

- (A) The content of curriculum frameworks.
- (B) Evaluation criteria and worksheets developed to supplement curriculum frameworks.

(2) The board shall adopt the content of curriculum frameworks and evaluation criteria and worksheets developed to supplement curriculum frameworks in accordance with the regulations established pursuant to subdivision (b) of this section.

60010. For the purpose of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

(a) "Basic instructional materials" means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.

(b) "Commission" means the Curriculum Development and Supplemental Materials Commission.

(c) "Curriculum framework" means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

(d) "District board" means the board of education or governing board of any county, city and county, city, or other district that has the duty to provide for the education of the children in its county, city and county, city, or district.

(e) "Elementary school" means all public schools in which instruction is given through grade 8 or in any one or more of those grades.

(f) "Governing boards" means the state board and any one or more district boards.

(g) "High school" means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.

(h) "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) "Nonpublic school" means a school that both satisfies the requirements of section 48222, and is exempt from taxation under section 214 of the Revenue and Taxation Code.

(j) "School official" means any member of any governing board, any city, county, city and county, or district superintendent of schools, and any principal, teacher, or other employee under his or her charge.

(k) "State board" means the State Board of Education.

(l) "Supplementary instructional materials" means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(m) "Technology-based materials" means those basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, videodisks, compact disks, optical disks, video and audiotapes, lesson plans, and databases. Technology-based materials do not include the equipment required to make use of those materials.

(n) "Test" means any device used to measure the knowledge or achievement of students.

60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, American Negroes, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

60041. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials that accurately portray, whenever appropriate:

(a) Humanity's place in ecological systems and the necessity for the protection of our environment.

(b) The effects on the human system of the use of tobacco, alcohol, narcotics and restricted dangerous drugs as defined in section 11032 of the Health and Safety Code, and other dangerous substances.

60042. When adopting instructional materials for use in the schools, governing boards shall require such materials, as they deem necessary and proper to encourage thrift, fire prevention and the humane treatment of animals and people.

60043. When adopting instructional materials for use in the schools, the governing board shall require, when appropriate to the comprehension of pupils, that textbooks for social science, history or civics classes contain the Declaration of Independence and the Constitution of the United States.

60044. No instructional materials shall be adopted by any governing board for use in the schools which, in its determination, contains:

(a) Any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

60045. (a) All instructional materials adopted by any governing board for use in the schools shall be, to the satisfaction of the governing board, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.

(b) With the exception of literature and trade books, all instructional materials adopted by any governing board for use in schools shall use proper grammar and spelling. The state board may adopt regulations that provide for other allowable exceptions to this subdivision for educational purposes, as determined by the state board.

60046. Any governing board may conduct an investigation of the compliance of any instructional materials that it adopts with the requirements of this article.

60047. In the event that after the good faith acquisition of instructional materials by a governing board, the instructional materials are found to be in violation of this article and the governing board is unable to acquire other instructional materials which meet the requirements of this article in time for them to be used when the acquired materials were

planned to be used, the governing board may use the acquired materials but only for that academic year.

60048. (a) Basic instructional materials, and other instructional materials required to be legally and socially compliant pursuant to sections 60040 to 60047, inclusive, including illustrations, that provide any exposure to a commercial brand name, product, or corporate or company logo in a manner that is inconsistent with guidelines or frameworks adopted by the State Board of Education may not be adopted by a school district governing board.

(b) The governing board of a school district may not adopt basic instructional materials, and other instructional mater

60060. Every publisher or manufacturer of instructional materials offered for adoption or sale in California shall comply with all the requirements and provisions of this part.

60061. A publisher or manufacturer shall:

(a) Furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.

(b) Automatically reduce the price of those instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

(c) Provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States.

(d) Guarantee that all copies of any instructional materials sold in this state are at least equal in quality to the copies of those instructional materials that are sold elsewhere in the United States, and are kept revised, free from all errors, and up to date as may be required by the state board.

(e) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, or enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in this state.

(f) Maintain a representative, office, or depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.

(g) Provide to the state, at no cost, the right to transcribe, reproduce, and distribute the material in Braille, large print, recordings, or other accessible media for use by pupils with visual disabilities. This right shall include computer diskette versions of print materials if made available to any other state, and those corrections and revisions as may be necessary.

(h) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under subdivisions (a), (b), and (e), and in the amount of three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge under subdivision (c).

60061.5. A publisher or manufacturer shall do all of the following:

(a) Actively solicit or make available a process through which input concerning the quality, content, and usability of textbooks and instructional materials can be obtained from educators, parents, teachers, and students.

Upon request of a district governing board a publisher shall provide a summation of that information including both positive and critical input and their responses to the positive and critical input.

(b) Guarantee delivery of textbooks and instructional materials prior to the opening of school in the year in which the textbooks and instructional materials are to be used if they are ordered by a date or dates specified in the contract with the district.

60062. The provisions of section 60061 shall apply to the purchase of instructional materials under sections 18132 and 18171.

60070. No school official shall require any pupil, except pupils in classes for adults to purchase any instructional material for the pupils' use in the school.

60071. No publisher or manufacturer of instructional materials, nor any of his representatives, shall offer or give any emolument, money, or other valuable thing, or any inducement, to any school official to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

60072. No school official shall accept any emolument, money or other valuable thing, or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

60073. Any publisher or manufacturer of instructional materials or his representative, or any school official who violates any of the provisions of this article is guilty of a misdemeanor. Any school official who violates any of the provisions of this article shall, in addition to any other penalty, be removed from his official position.

60074. Nothing in this article shall be construed to prevent any publisher, manufacturer, or agent from supplying for purposes of examination necessary sample copies of instructional materials to any school official.

60075. Nothing in this article shall be construed to prevent a school official from receiving sample copies of instructional materials.

60076. Nothing contained in this article shall be construed to prohibit or restrict a school official from receiving royalties or other compensation from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted or purchased by any governing board, other than compensation paid as commission to the school official for negotiating sales to governing boards. No district shall have or claim the right to receive any such royalty or other compensation due to any school official employed by the district unless the instructional material was written or prepared during the normal school day during which the school official is required by the district to be on duty.

60090. Each district board shall make reports, whenever required, directly to the Superintendent of Public Instruction, concerning the instructional materials used in its schools.

60110. It is the intent of the Legislature that the State Board of Education gives high priority to the adoption of instructional materials on alcohol, drug, and traffic safety education for

classroom use by teachers and pupils. The materials shall be designed to assist the teacher in presenting instruction on alcohol, drug, and traffic safety education and to meet the needs of pupils at their respective grade levels. The materials shall be accurate, objective, and current.

60111. The Department of Education shall establish an information center of current alcohol, drug, and traffic safety education materials that may be used by school districts and teachers for instruction on alcohol, drug, and traffic safety education. The information center shall include, but not be limited to, all the following: current state and federal alcohol and drug laws, including those related to traffic safety; samples of effective courses of study, curriculum guides, teaching materials, and reference materials; and reports of current and school district policies related to alcohol, drug, and traffic safety education.

60115. (a) The State Department of Education shall assemble, coordinate, and make available to the public schools and to private driving schools in this state, upon request, for their use in driver education programs, any relevant programs, materials, and information prepared or compiled by the Governor's Intergovernmental Advisory Committee on Alcohol, Drugs, and Traffic Safety.

(b) The Superintendent of Public Instruction shall allow to each school district maintaining a high school, county superintendents of schools, and the Department of the Youth Authority an amount not to exceed one dollar (\$1) per pupil instructed in driver education during the preceding fiscal year. At least 50 percent of the funds received pursuant to this subdivision shall be used for the purchase of related instructional materials or for related in-service training for teachers, or both. Funds to implement this subdivision shall be provided when appropriated by the Legislature from the Driver Training Penalty Assessment Fund.

60117. This article shall be known and may be cited as the Pupil Textbook and Instructional Materials Incentive Program Act.

60118. County offices of education may, at their option, be eligible to receive funds pursuant to this article. Allocations to county offices of education shall be based upon prior year average daily attendance in county operated educational programs and at the average amount allocated to school districts per unit of average daily attendance. For the purposes of this article, the terms "governing board of a school district" and "governing board" are deemed to include county boards of education.

60119. (a) For the 1999-2000 fiscal year and each fiscal year thereafter, in order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has, or will have prior to the end of that fiscal year, sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the state board.

(2) (A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would

require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within a two-year period from the date of the determination.

(B) In carrying out subparagraph (A), the governing board may use money in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) A

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following categories:

(1) Language arts, including, but not limited to, spelling and reading.

(2) Mathematics.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

(b) The state board shall adopt procedures for the submission of basic instructional materials in order to comply with each of the following:

(1) Instructional materials may be submitted for adoption in any of the subject areas pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) not less than two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) not less than two times every eight years. The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the six- and eight-year submission cycles and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of section 60204 are consistent with subdivision (c). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) Submitted instructional materials shall be adopted or rejected within six months of the submission date of the materials pursuant to paragraph (1), unless the state board determines that a longer period of time, not to exceed an additional three months, is necessary due to the estimated volume or complexity of the materials for that subject in that year, or due to other circumstances beyond the reasonable control of the state board.

(c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:

(1) Are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework. In making this determination, the state board shall consider both the framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Adequately cover the subject area for the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:

(A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the State Board of Education.

(B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in instructional materials is incidental to the general nature of the illustration.

(6) Meet other criteria as are established by the state board as being necessary to accomplish the intent of section 7.5 of Article IX of the California Constitution and of section 1 of this act, provided that the criteria are approved by resolution at the time the resolution adopting the framework for the current adoption is approved, or at least 30 months prior to the date that the materials are to be approved for adoption.

(d) If basic instructional materials are rejected, the state board shall provide a specific, written explanation of the reasons why the submitted materials were not adopted, based upon one or more of the criteria established under subdivision (c). In providing this explanation, the state board may use, in whole or in part, materials written by the commission or any other advisers to the state board.

(e) The state board may adopt fewer than five basic instructional materials in each subject area for each grade level if either of the following occurs:

(1) Fewer than five basic instructional materials are submitted.

(2) The state board specifically finds that fewer than five basic instructional materials meet the criteria prescribed by paragraphs (1) to (5), inclusive, of subdivision (c), or the materials fail to meet the state board's adopted curriculum framework. If the state board adopts fewer than five basic instructional materials in any subject for any grade level, the state board shall conduct a review of the degree to which the criteria and procedures used to evaluate the submitted materials for that adoption were consistent with the state board's adopted curriculum framework.

(f) Nothing in this section shall limit the authority of the state board to adopt materials that are not basic instructional materials.

(g) If a district board establishes to the satisfaction of the state board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the state board shall authorize that district governing board to use its instructional materials allowances to purchase materials as specified by the state board, in accordance with standards and procedures established by the state board.

(h) Consistent with the quality criteria for the state board's adopted curriculum framework, the state board shall prescribe procedures to provide the most open and flexible materials submission system and ensure that the adopted materials in each subject, taken as a whole, provide for the educational needs of the diverse pupil populations in the public schools, provide collections of instructional materials that illustrate diverse points of view, represent cultural pluralism, and provide a broad spectrum of knowledge, information, and technology-based materials to meet the goals of the program and the needs of pupils.

(i) Upon making an adoption, the state board shall make available to listed publishers and

manufacturers and all school interests a listing of instructional materials, including the most current unit cost of those materials as computed pursuant to existing law. Items placed upon lists shall remain thereon, and be available for procurement through the state's systems of financing, from the date of the adoption of the item and until a date established by the state board. The date established by the board for continuing items on that list shall be the earlier of not more than six years from the date of adoption for instructional materials pertaining to subject areas designated in paragraphs (1) to (5), inclusive, of subdivision (a), and not more than eight years from the date of adoption for instructional materials pertaining to subject areas designated in paragraph (6) of subdivision (a), or the date on which the state board adopts instructional materials based upon a new or revised curriculum framework. Lists of adopted materials shall be made available by subject and grade level. The lists shall terminate and shall no longer be effective on the date prescribed by the state board pursuant to this subdivision.

(j) The state board may approve multiple lists of instructional materials, without designating a grade or subject, and the state board may designate more than one grade or subject whenever it determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on single grade or single subject lists, or multigrade or interdisciplinary lists, or may be placed on separate lists including other materials with similar grade or subject designations.

(k) A composite listing in the format of an order form may be used to meet the requirements of this section.

(l) The lists maintained pursuant to this section shall not be deemed to control the use period by any local district.

(m) The state board shall give publishers the opportunity to modify instructional materials, in a manner provided for in regulations adopted by the state board, if the state board finds that the instructional materials do not comply with paragraph (5) of subdivision (c).

(n) Nothing in this section shall be construed to prohibit the publisher of instructional materials from including whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third party sources of content.

(o) The state board may adopt regulations that provide for other exceptions to this section, as determined by the board.

(p) The Superintendent of Public Instruction shall develop, and the State Board of Education shall adopt, guidelines to implement this section.

60200.1. (a) Notwithstanding any other provision of law, the limitation in paragraph (5) of subdivision (c) of section 60200, which requires that other criteria be approved at least 30 months prior to the date that the materials are to be approved for adoption, shall not apply if all of the following conditions are met:

(1) The criteria adopted are consistent with the content standards adopted by the State Board of Education in each of the four core content areas for which standards are adopted.

(2) The schedule for the adoption of instructional materials requires instructional materials for history and social science to be adopted by March 31, 1999, instructional materials for science to be adopted by March 31, 2000, instructional materials for mathematics to be adopted by March 31, 2001, and instructional materials for language arts and reading to be adopted by March 31, 2002.

(3) The State Board of Education approves criteria for the adoption of instructional

materials in science at least 12 months before the board adopts instructional materials in science.

(4) Except as provided in paragraph (5), the State Board of Education approves the criteria for the adoption of instructional materials for language arts, reading, and mathematics at least 18 months before the board adopts instructional materials in language arts, reading, and mathematics.

(5) The State Board of Education adopts a policy allowing additional submissions and adoptions of instructional materials in language arts, and reading, including spelling, and mathematics to be added to those already adopted if the following conditions are met:

(A) The additional instructional materials cover a course of study, or a substantial portion of a course of study, essential to meeting adopted academic content standards and are aligned with the adopted academic content standards.

(B) At least 120 days is provided from the adoption of the other criteria to submission of the additional instructional materials for review.

(b) This section shall become inoperative on April 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

60200.2. (a) In addition to the findings authorized under subparagraphs (A) and (B) of paragraph (5) of subdivision (c) of section 60200, if the state board finds that the use of a commercial brand name, product, or corporate or company logo in an instructional material is authorized under a contract entered into under paragraph (3) of subdivision (a) of section 35182.5 as added by Assembly Bill 117 of the 1999-2000 Regular Session, the state board may allow the use of that instructional material.

(b) This section shall become operative only if section 35182.5 as proposed by Assembly Bill 117 of the 1999-2000 Regular Session is enacted and takes effect.

60200.4. (a) The State Board of Education shall ensure that the basic instructional materials that it adopts for mathematics and reading in grades 1 to 8, inclusive, are based on the fundamental skills required by these subjects, including, but not limited to, systematic, explicit phonics, spelling, and basic computational skills.

(b) It is the intent of the Legislature that the fundamental skills of all subject areas, including systematic, explicit phonics, spelling, and basic computational skills, be included in the adopted curriculum frameworks and that these skills and related tasks increase in depth and complexity from year to year. It is the intent of the Legislature that the instructional materials adopted by the State Board of Education meet the provisions of this section.

60200.5. Instructional materials adopted under this chapter shall, where appropriate, be designed to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and to instruct them in manners and morals and the principles of a free government. The State Board of Education shall endeavor to see that this objective is accomplished in the evaluation of instructional materials for educational content in appropriate subject areas.

60200.6. Instructional materials adopted pursuant to this chapter for the category of social science as specified in paragraph (5) of subdivision (a) of section 60200 shall include information designed to instruct pupils on Dr. Martin Luther King, Jr., the civil rights movement, and contributions made by ethnic minority groups to the history of the United

States. The state board shall ensure that the materials present the information in a manner consistent with the instruction provided in each grade level. The state board shall endeavor to see that this objective is accomplished in the evaluation of instructional materials for educational content.

60201. In approving and maintaining lists of adopted instructional materials, the state board shall, pursuant to subdivision (e) of section 60200, do any one or more of the following, when applicable:

(a) Retain any instructional materials from a previous list and biennially make any adjustment in prices based on information provided pursuant to section 60223.

(b) Delete from the lists any instructional material which it determines is obsolete pursuant to section 60500, or which received no order from any district board during the previous two years.

(c) Add instructional materials not previously submitted for adoption, or materials previously submitted which have been revised to comply with any recommendations of the state board.

60202. Before final adoption of any instructional materials not currently listed, the state board shall make any instructional materials proposed for adoption available for public inspection for not less than 30 days at display centers designated by the Superintendent of Public Instruction. There shall be an adequate distribution of display centers throughout the state.

60203. The state board shall give the commission a public hearing before making any adoption of instructional materials for use in the elementary schools of the state.

60204. The commission shall:

(a) Recommend curriculum frameworks to the state board.

(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and which comply with the provisions of Article 3 (commencing with section 60040) of Chapter 1. The criteria developed by the commission shall be consistent with the duties of the state board pursuant to section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting such information.

(c) Study and evaluate instructional materials submitted for adoption.

(d) Recommend to the state board instructional materials that it approves for adoption.

(e) Review and have the authority to adopt the educational films or videotapes produced in accordance with Article 3 (commencing with section 52740) of Chapter 11 of Part 28.

(f) Recommend to the state board policies and activities to assist the Department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.

60206. The state board may adopt appropriate regulations to implement this chapter. These regulations may include a procedure to review district invoices for instructional materials purchases made pursuant to subdivision (b) of section 60242.

60220. All publishers and manufacturers submitting instructional materials for adoption by the state board shall comply with the provisions of Article 1 (commencing with section

60000) to Article 7 (commencing with section 60100), inclusive, of this part.

60221. Publishers and manufacturers submitting instructional materials for adoption shall provide sample copies of such materials in quantities to be determined by the state board.

60222. Publishers and manufacturers, at a time designated by the state board, shall submit detailed specifications of the physical characteristics of that material. The publisher or manufacturer shall comply with those specifications if the material is adopted and purchased in completed form by the state board or any district board. Changes in specifications may be made when approved by the state board and the publisher or manufacturer.

60223. Publishers and manufacturers may biennially submit revisions to price schedules submitted pursuant to subdivision (a) of section 60201.

60225. As agreed upon by publishers and school districts, publishers may provide in-service training or professional development in the use of the instructional materials provided by them.

60226. Publishers and manufacturers shall, in accordance with rules and regulations adopted by the state board, develop plans to improve the quality and reliability of instructional materials through learner verification. District boards shall be encouraged to permit publishers and manufacturers to have limited access to classrooms for necessary testing and observation. Publishers and manufacturers shall provide copies of test results and evaluations made as part of learner verification at the request of any governing board.

60240. (a) The State Instructional Materials Fund is hereby continued in existence in the State Treasury. The fund shall be a means of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. Notwithstanding section 13340 of the Government Code, all money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this part. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials.

(b) The State Department of Education shall administer the fund under policies established by the state board.

(c) (1) The state board shall encumber part of the fund to pay for accessible instructional materials to accommodate pupils with visual disabilities pursuant to sections 60312 and 60313.

(2) The state board may encumber funds, in an amount not to exceed two hundred thousand dollars (\$200,000), for replacement of instructional materials, obtained by a school district with its allowance that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism.

(3) The state board may encumber funds for the costs of warehousing and transporting instructional materials it has acquired.

60242. (a) The state board shall encumber the fund for the purpose of establishing an allowance for each district board, which may reflect increases or decreases in average daily attendance, that the district board may use for the following purposes:

(1) To purchase instructional materials adopted by the state board.

(2) To purchase instructional materials, including, but not limited to, technology-based

materials, from any source.

(3) To purchase tests.

(4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to section 60200.

(5) To fund in-service training.

(b) The state board shall specify the percentage of a district board's allowance that is authorized to be used for each of the purposes identified in subdivision (a).

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

60242.5. Allowances received by districts pursuant to subdivision (b) of section 60242 shall be deposited into a separate account as specified by the Superintendent of Public Instruction.

These allowances, including any interest generated by them, shall be used only for the purchase of instructional materials, tests, or in-service training pursuant to subdivision (b) of section 60242.

Interest posted to the account shall be based upon reasonable estimates of monthly balances in the account and the average rate of interest earned by other funds of the district.

All purchases of instructional materials made with funds from this account shall conform to law and the applicable rules and regulations adopted by the state board, and the district superintendent shall provide written assurance of such conformance to the Superintendent of Public Instruction. Commencing September 1, 1984, the Superintendent of Public Instruction may withhold the allowance established pursuant to section 60242 for any district, which has failed to file a written assurance for the prior fiscal year. The Superintendent of Public Instruction may restore the amount withheld once the district provides the written assurance.

The office of the Controller, in cooperation with the State Department of Education, shall include procedures to review compliance with this section in its independent audit instructions.

60245. The fiscal yearend unexpended balance of any cash allotment of any district board shall be separately encumbered for the district board and shall be separately carried over into the subsequent fiscal year for their respective uses by the district board.

60246. (a) The Controller shall, during each fiscal year, commencing with the 1983-84 fiscal year, transfer from the General Fund of the state to the State Instructional Materials Fund, an amount of twenty-one dollars and eighteen cents (\$21.18) per pupil in the average daily attendance in the public elementary schools during the preceding fiscal year, as certified by the Superintendent of Public Instruction, except that this amount shall be adjusted annually through and including fiscal year 1987-88 in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. Commencing with the 1990-91 fiscal year, the amount shall be adjusted annually by an amount equal to percentage change determined pursuant to subdivision (b) of section 42238.1.

(b) The amount transferred pursuant to subdivision (a) includes the designated percentage of the cash entitlements to be used to pay for unadopted state materials, tests, and in-service training.

60247. The Superintendent of Public Instruction shall annually apportion to each school

district the sum of fourteen dollars and forty-one cents (\$14.41) per pupil enrolled in grades 9 through 12 in the school district in the prior fiscal year for the purpose of purchasing instructional materials for the pupils enrolled in those grades.

60248. School district governing boards shall use the funds apportioned pursuant to section 60247 solely for the purchase of instructional materials, as defined in sections 60011 to 60018, inclusive, for pupils in grades 9 to 12, inclusive. Textbooks purchased with these funds shall be adopted in accordance with sections 60400 and 60401.

60251. The Superintendent of Public Instruction may allocate to school districts, funds that were recovered from publishers and deposited into the Instructional Materials Fund as result of proceedings against the publishers.

60251.5. For any fiscal year in which the amount of the moneys appropriated to the State Instructional Materials Fund exceeds the sum of the amount that was appropriated to that fund in the prior fiscal year plus any amounts appropriated in the current fiscal year for instructional materials pursuant to section 42238.15, an amount that is not less than 50 percent of the difference shall be transferred to the Pupil Textbook and Instructional Materials Incentive Account that exists in the State Instructional Materials Fund.

60252. (a) The Pupil Textbook and Instructional Materials Incentive Account is hereby created in the State Instructional Materials Fund, to be used for the Pupil Textbook and Instructional Materials Incentive Program set forth in Article 9 (commencing with section 60117) of Chapter 1. All money in the account shall be allocated by the Superintendent of Public Instruction to school districts maintaining any kindergarten or any of grades 1 to 12, inclusive, that satisfy each of the following criteria:

(1) A school district shall provide assurance to the Superintendent of Public Instruction that the district has complied with section 60119.

(2) A school district shall ensure that the money will be used to carry out its compliance with section 60119 and shall supplement any state and local money that is expended on textbooks or instructional materials, or both.

(b) The superintendent shall ensure that each school district has an opportunity for funding per pupil based upon the district's prior year base revenue limit in relation to the prior year statewide average base revenue limit for similar types and sizes of districts. Districts below the statewide average shall receive a greater percentage of state funds, and districts above the statewide average shall receive a smaller percentage of state funds, in an amount equal to the percentage that the district's base revenue limit varies from the statewide average. Any district with a base revenue limit that equals or exceeds 200 percent of the statewide average shall not be eligible for state funding under this section.

60310. The following individuals or organizations may order instructional materials from lists adopted by the state board:

(a) The head of any state institution offering instruction in the elementary grades, or giving instruction in the teaching of elementary subjects.

(b) Governing boards or nonpublic schools.

(c) Individuals for use only in California.

The materials shall be purchased at the unit cost determined pursuant to subdivision (b) of section 60222.

60312. The state board shall make available copies of adopted textbooks and other state adopted print materials in large print and other accessible media for pupils enrolled in the elementary schools whose visual acuity is 10/70 or less or who have other visual impairments making the use of these textbooks and alternate formats necessary. The state board shall make available adopted textbooks in Braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less. The state board may purchase or contract for the development of those materials.

60313. The Superintendent of Public Instruction shall maintain a central clearinghouse-depository and duplication center for the design, production, and distribution of Braille, large print, special recordings, and other accessible versions of instructional materials for pupils who are visually impaired and assistive devices and materials for use by pupils with visual impairments enrolled in the public schools of California who may require their use as shall be determined by the state board.

The instructional materials in specialized media shall be available to other pupils with disabilities enrolled in the public schools of California who are unable to benefit from the use of conventional print copies of textbooks, reference books, and other study materials in a manner determined by the state board.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment, and other similar items shall be available for use by students with visual impairments enrolled in the public community colleges, the California State University, and the University of California.

60350. It is the intent of the Legislature that each pupil in kindergarten and grades 1 to 3, inclusive, is furnished with a complete set of core reading program instructional materials adopted by the state board in 1996.

60351. (a) The State Department of Education shall apportion funds appropriated for purposes of this article to school districts on the basis of an equal amount per statewide pupil enrollment in kindergarten and grades 1 to 3, inclusive.

(b) For the purposes of this article, the term "school districts" means school districts and county offices of education and the term "governing boards" means governing boards of school districts and county boards of education.

60352. A school district may apply to the state board for funding for the purchase of a complete set of core reading program instructional materials pursuant to this article.

(a) Except as provided in subdivision (b), each school district shall expend funds received pursuant to this article for the sole purpose of purchasing core reading program instructional materials for pupils enrolled in kindergarten and grades 1 to 3, inclusive, that meet the following requirements:

(1) The instructional materials have been adopted by the state board in 1996.

(2) The instructional materials meet the requirements of section 60200.4.

(3) The instructional materials include, but are not necessarily limited to, phonemic awareness, systematic explicit phonics, and spelling patterns, accompanied by reading material that provides practice in the lesson being taught.

(b) A school district may expend up to 5 percent of the amounts received pursuant to this article to acquire independent reading books for pupils enrolled in grades 1 to 4, inclusive, for the purpose of stocking school or classroom libraries.

(c) Each school district that receives funds pursuant to this chapter shall purchase the core

reading instructional materials on or before September 30, 1997, except that the state board may extend the last date to purchase materials to not later than September 30, 1998, if in a public hearing the governing board adopts a resolution requesting that extension and stating the reasons therefore. In granting a request for an extension pursuant to this subdivision, the state board shall prescribe the last date that core reading instructional materials may be purchased, but in no event shall the state board authorize a date of extension later than September 30, 1998. It is the intent of the Legislature that the state board authorize extensions to governing boards that have demonstrated that they are unable to meet the deadline set forth in this subdivision because of factors out of their control, including, but not limited to, insufficient time to evaluate and field test the state board-approved materials.

(d) If the governing board establishes, to the satisfaction of the state board, that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the state board shall authorize that governing board to use the funds received pursuant to this article to purchase instructional materials as specified by the state board, in accordance with standards and procedures established by the state board, and that meet the requirements of section 60200.4 and include, but are not necessarily limited to, phonemic awareness, systematic explicit phonics, and spelling patterns, accompanied by reading material that provides practice in the lesson being taught. It is the intent of the Legislature that any request made by governing boards pursuant to this subdivision prior to August 31, 1996, be expedited by the state board.

(e) Each governing board shall certify to the State Department of Education that the amounts received pursuant to this chapter have been expended as required by this chapter. The governing board shall certify at a public hearing of the board that each pupil enrolled in kindergarten and grades 1 to 3, inclusive, has been furnished a complete set of core reading program instructional materials that meets the requirements of this section.

60400. The district board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who comply with the requirements of Article 3 (commencing with section 60040) and Article 4 (commencing with section 60060) of Chapter 1 of this part and of section 60226 may be adopted by the district board.

60410. The district board of each high school district may fix a charge not to exceed the cost of the books to the high school district for books furnished pupils in classes for adults. In lieu of fixing such charge, the board may lend books to such pupils and require the making of deposits by the pupils, the amount of deposit made by a pupil to be refunded to him upon the return by him of the books lent him in good condition, reasonable wear and tear excepted.

60411. The district board of each high school district shall purchase textbooks and may purchase supplementary books for the use of pupils enrolled in the high schools of the district. The textbooks and supplementary books shall at all times remain the property of the district, and shall be supplied to the pupils for use without charge.

60450. (a) This act shall be known and may be cited as the Schiff-Bustamante Standards-Based Instructional Materials Program.

(b) It is the intent of the Legislature that school districts use the resources provided pursuant to this chapter and any other available resources to ensure that pupils in kindergarten and grades 1 to 12, inclusive, be provided with instructional materials in the core curriculum areas of language arts, mathematics, history/social science, and science that

are aligned with state content standards as adopted by the State Board of Education pursuant to section 60605 in 1997 and 1998. It is further the intent of the Legislature that the funding provided pursuant to this chapter supplement and not supplant funding for instructional materials provided from other sources.

60450.5. (a) The State Department of Education shall apportion funds appropriated for purposes of this chapter on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, excluding summer school, adult, and regional occupational program and center enrollment, during the preceding fiscal year, as certified by the Superintendent of Public Instruction based on California Basic Education Data System (CBEDS) data. This method of allocation, using enrollment instead of average daily attendance, shall not be construed as a precedent for future allocation methods for instructional materials or for any other education program.

(b) For the purposes of this chapter, the term "school districts" means school districts, county offices of education, and charter schools, and the term "local governing board" means the governing board of a school district, the county board of education, or the governing body of a charter school.

60451. Each school district shall expend funds received pursuant to this chapter for the sole purpose of purchasing instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1 to 12, inclusive, that meet all of the following requirements:

(a) The instructional materials are aligned with content standards adopted by the State Board of Education in 1997 or 1998.

(b) The instructional materials for pupils in kindergarten and grades 1 to 8, inclusive, have been adopted by the State Board of Education pursuant to Chapter 2 (commencing with section 60200) of Part 33, using criteria aligned to the adopted content standards.

(c) The instructional materials for pupils in grades 9 to 12, inclusive, are basic instructional materials, as defined in subdivision (a) of section 60010, that have been reviewed and approved, through a resolution adopted by the local governing board, as being aligned with the content standards adopted by the State Board of Education in 1997 or 1998.

60451.5. (a) Each school district that receives funds pursuant to this chapter shall purchase instructional materials aligned to language arts, mathematics, history/social science, or science content standards from funds appropriated for this purpose in the Budget Act of 1998 or the act that adds this chapter. Priority shall be given to the purchase of mathematics instructional materials.

(b) Each school district that receives funds pursuant to this chapter shall purchase instructional materials aligned to content standards in language arts, mathematics, history/social science, or science from funds appropriated in the 1999-2000 fiscal year and the two subsequent fiscal years for the purposes of this chapter.

60452. (a) Allowances received by school districts pursuant to this chapter shall be deposited into a separate account as specified by the Superintendent of Public Instruction. These allowances, including any interest generated by them, shall be used only for the purchase of instructional materials pursuant to this chapter. Interest posted to the account shall be based upon reasonable estimates of monthly balances in the account and the average rate of interest earned by other funds of the school district.

(b) All purchases of instructional materials made with funds from this account shall

conform to law and the applicable rules and regulations adopted by the State Board of Education, and the superintendent of a school district that purchases instructional materials with these funds shall provide written assurance of this conformance to the Superintendent of Public Instruction. Commencing September 1, 1999, the Superintendent of Public Instruction shall withhold the allowance established pursuant to section 60452.5 from any school district that has failed to file a written assurance for the prior fiscal year. The Superintendent of Public Instruction may restore the amount withheld once the school district provides the written assurance.

(c) The office of the Controller, in cooperation with the State Department of Education, shall include procedures to review compliance with this section in its independent audit instructions.

60452.5. (a) In each of the fiscal years from 1999-2000 to 2001-02, inclusive, the sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to school districts pursuant to this chapter. All funds appropriated for the purposes of this chapter shall be allocated on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, as set forth in section 60450.5, and as reported for the year prior to the allocation of funds.

(b) For the purposes of making the computations required by section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of section 41202 of the Education Code, for the 1999-2000, 2000-01, and 2001-02 fiscal year, as appropriate, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of section 41202 of the Education Code, for the 1999-2000, 2000-01, and 2001-02 fiscal year.

(c) The allocation made pursuant to subdivision (a) shall be made no later than October 1 of each fiscal year.

60453. This chapter shall become inoperative on June 30, 2002, and as of January 1, 2003, is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

60500. For the purposes of this chapter, governing boards shall adopt rules, regulations and procedures for prescribing standards for determining when instructional materials adopted by them and either loaned by them or in their possession are obsolete, and if such materials are usable or unusable for educational purposes.

60501. A school district may review instructional materials to determine when those materials are obsolete pursuant to the rules, regulations, and procedures adopted pursuant to section 60500 and may report the results of its review and staff recommendations at a public meeting of the school district governing board.

60510. The state board, the governing board of any school district that employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools, may dispose of surplus or undistributed obsolete instructional materials in their possession that are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.

(b) By donation to any public agency or institution of any territory or possession of the United States, or the government of any country that formerly was a territory or possession of the United States.

(c) By donation to any nonprofit charitable organization.

(d) By donation to children or adults in the State of California, or foreign countries for the purpose of increasing the general literacy of the people.

(e) By sale to any organization that agrees to use the materials solely for educational purposes.

60510.5. (a) Prior to the disposition by a school district of any instructional materials pursuant to section 60510, the school district governing board is encouraged to do both of the following:

(1) No later than 60 days prior to that disposition, notify the public of its intention to dispose of those materials through a public service announcement on a television station in the county in which the district is located, a public notice in a newspaper of general circulation published in that county, or any other means that the governing board determines to reach most effectively the entities described in subdivisions (a) to (e), inclusive, of section 60510.

(2) Permit representatives of the entities described in subdivisions (a) to (e), inclusive, of section 60510 and members of the public to address the governing board regarding that disposition.

(b) This section does not apply to any school district that, as of January 1, 1992, had in operation a procedure for the disposition of instructional materials pursuant to section 60510.

60511. Any organization, agency or institution receiving obsolete instructional materials under the provisions of this article must certify to the governing board that it agrees to use the materials for educational purposes and agrees to make no charge of any kind to the persons to whom the organization gives or lends such materials.

60520. Any money received by the state board from the sale of obsolete instructional materials pursuant to this chapter shall be deposited in the State Instructional Materials Fund.

60521. Any money received by the governing board of a school district from the sale of instructional materials pursuant to this code shall be used to purchase instructional materials.

60530. The state board, any district board which employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools may dispose of unusable surplus or undistributed obsolete instructional materials, or such materials which are usable but cannot be distributed pursuant to section 60510 in any of the following ways:

(a) Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest price that can be obtained.

(b) Destroyed by any economical means, provided that no instructional material shall be destroyed until 30 days after the governing board has given notice to all persons who have filed a request for such notice.

60600. This chapter shall be known and may be cited as the Leroy Greene California Assessment of Academic Achievement Act.

60601. This chapter shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

60602. (a) It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has, as its primary purpose, assisting pupils, their parents, and teachers to identify individual academic strengths and weaknesses, in order to improve teaching and learning. It is further the intent of the Legislature in enacting this chapter to determine the effectiveness of school districts and schools, as measured by the extent to which pupils demonstrate knowledge of the fundamental academic skills, as well as the ability to apply those skills. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing program to do all of the following:

(1) First and foremost, provide information on the academic status and progress of individual pupils to those pupils, their parents, and their teachers. This information should be designed to assist in the improvement of teaching and learning in California public classrooms. The Legislature recognizes that, in addition to statewide assessments that will occur as specified in this chapter, school districts will conduct additional ongoing pupil assessment and provide information regarding pupil performance based on those assessments on a regular basis to parents or guardians and schools.

(2) Develop and adopt a set of statewide academically rigorous content standards and performance standards in all major subject areas to serve as the basis for assessing the academic achievement of individual pupils, as well as for schools, school districts, and for the California education system as a whole. The performance standards shall be designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century.

(3) Ensure that all assessment procedures, items, instruments, and scoring systems are independently reviewed to ensure that they meet high standards of statistical reliability and validity and that they do not use procedures, items, instruments, or scoring practices that are racially, culturally, or gender biased.

(4) Provide information to pupils, parents or guardians, teachers, schools, and school districts on a timely basis so that the information can be used to further the development of the pupil and to improve the educational program.

(5) Develop assessments that are comparable to the National Assessment of Educational Progress and other national and international assessment efforts, so that California's local and state test results are reported in a manner that corresponds to the national test results. Test results should be reported in terms describing a pupil's academic performance in relation to the statewide academically rigorous content and performance standards adopted by the State Board of Education and in terms of employment skills possessed by the pupil, in addition to being reported as numerical or percentile scores.

(6) Assess pupils for a broad range of academic skills and knowledge including both basic academic skills and the ability of pupils to apply those skills.

(7) Include an appropriate balance of types of assessment instruments, including, but not limited to, multiple choice questions, short answer questions, and assessments of applied academic skills.

(8) Minimize the amount of instructional time devoted to assessments administered pursuant to this chapter.

(b) It is the intent of the Legislature, pursuant to this article, to begin a planning and

implementation process to enable the Superintendent of Public Instruction to accomplish the goals set forth in this section as soon as feasible.

(c) It is further the intent of the Legislature that parents, classroom teachers, other educators, governing board members of school districts, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment program and the development of assessment instruments.

60603. As used in this chapter:

(a) "Achievement test" means any standardized test that measures the level of performance that a pupil has achieved in the core curriculum areas.

(b) "Assessment of applied academic skills" means a form of assessment that requires pupils to demonstrate their knowledge of, and ability to apply, academic knowledge and skills in order to solve problems and communicate. It may include, but is not limited to, writing an essay response to a question, conducting an experiment, or constructing a diagram or model. An assessment of applied academic skills may not include assessments of personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(c) "Basic academic skills" means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex intellectual abilities, including the synthesis and application of knowledge.

(d) "Content standards" means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils expected to learn in each of the core curriculum areas, at each grade level tested.

(e) "Core curriculum areas," means the areas of reading, writing, mathematics, history-social science, and science.

(f) "Direct writing assessment," means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(g) "End of course exam," means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline such as the Golden State Exams.

(h) "Performance standards" are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(i) "Publisher" means a commercial publisher or any other public or private entity, other than the State Department of Education, which is able to provide tests or test items that meet the requirements of this chapter.

(j) "Statewide pupil assessment program" means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of section 60605, required by this chapter in all schools within each school district by means of tests designated by the State Board of Education.

60604. (a) The Superintendent of Public Instruction shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment program consistent with the testing requirements of this article in accordance with the objectives set forth in section 60602. That program shall include all of the following:

(1) A plan for producing valid, reliable, and comparable individual pupil scores in grades 2

to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the State Board of Education that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program established by Article 4 (commencing with section 60640).

(2) A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades 2 to 11, inclusive, that is based on the achievement test designated pursuant to subdivision (b) of section 60605.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the State Board of Education.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the State Board of Education.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, and the public in all phases of the design and implementation of the statewide pupil assessment program.

(7) The development of a contract or contracts with a publisher or publishers, after the approval of statewide academically rigorous content standards by the State Board of Education, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate.

(b) The superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in subdivision (a).

The annual update shall be submitted on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent of Public Instruction shall provide each school district with guidelines for professional development that are designed to assist classroom teachers to use the results of the assessments administered pursuant to this chapter to modify instruction for the purpose of improving pupil learning. These guidelines shall be developed in consultation with classroom teachers and approved by the State Board of Education before dissemination.

(d) The Superintendent of Public Instruction and the State Board of Education shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of assessment instruments.

(e) The results of the achievement test administered pursuant to Article 4 (commencing with section 60640) shall be returned to the school district in the same academic year in which the test was administered and no later than July 30 of the calendar year in which the test was administered.

60605. (a) (1) (A) Not later than January 1, 1998, the State Board of Education shall adopt statewide academically rigorous content standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing

the academic achievement of individual pupils and of schools, school districts, and the California education system. Not later than November 1, 1998, the State Board of Education shall adopt these standards in the core curriculum areas of history/social science and science.

(B) The board shall adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history-social science, and science based on the recommendations made by a contractor or contractors.

(C) The State Board of Education shall require the contractor or contractors to submit performance standards to the board not later than a specified date that allows sufficient opportunity for the board to conduct regional hearings prior to the adoption of the performance standards by the dates specified in subparagraph (B).

(2) (A) The State Board of Education may modify any proposed content standards or performance standards prior to adoption and may adopt content and performance standards in individual core curriculum areas as those standards are submitted to the board by the commission or the contractor. The performance standards shall be established against specific grade level benchmarks of academic achievement for each subject area tested and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem. The standards adopted pursuant to this section shall be for the purpose of guiding state decisions regarding the development, adoption, and approval of assessment instruments pursuant to this chapter and shall not be construed to mandate any actions or activities by school districts.

(B) Because these standards are models, the adoption of these standards is not subject to the Administrative Procedure Act. This subparagraph is declaratory of existing law.

(3) Before adopting academic content and performance standards, the board shall hold regional hearings for the purpose of giving parents and other members of the public the opportunity to comment on the proposed standards.

(b) (1) The State Board of Education shall require the State Department of Education to notify publishers of the opportunity to submit, for consideration by the State Board of Education pursuant to section 60642, tests of achievement that include all of the basic academic skills identified in subdivision (c) of section 60603 in grades 2 to 8, inclusive, and the core curriculum areas identified in subdivision (e) of section 60603 in grades 9 to 11, inclusive.

(2) On or before October 31, 1997, the Superintendent of Public Instruction shall recommend to the State Board of Education which achievement test to adopt pursuant to subdivision (b) of section 60642.

(c) (1) The State Board of Education shall ensure that the statewide assessment system adopted pursuant to this chapter yields valid, reliable individual pupil scores and, where applicable, aggregate school scores, school district scores, and statewide scores of pupils and assesses basic academic skills and content standards, including the use of a direct writing assessment or other applied academic skills if deemed valid and reliable and if resources are made available for their use.

(2) Nothing in this subdivision shall be construed to prevent the State Board of Education from developing or adopting an assessment instrument that also contains assessments of basic academic skills.

(d) To the extent feasible and as otherwise required, the State Board of Education shall ensure that assessments developed, or contracted for, by the state are aligned with the statewide content and performance standards adopted pursuant to subdivision (a).

(e) After adopting statewide content standards, the State Board of Education shall review

the achievement test designated pursuant to section 60642 for conformance with these statewide standards.

(f) After adopting statewide content and performance standards, the State Board of Education shall review the existing curriculum frameworks for conformity with the new statewide standards and shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.

(g) The State Board of Education shall adopt regulations for the conduct and administration of the testing and assessment program.

(h) The State Board of Education shall adopt a regulation for minimum-security procedures that test and assessment publishers and school districts must follow to ensure the security and integrity of test and assessment questions and materials.

60605.1. (a) No later than June 1, 2001, the State Board of Education shall adopt content standards, pursuant to recommendations developed by the Superintendent of Public Instruction, in the curriculum area of visual and performing arts.

(b) The content standards are intended to provide a framework for programs that a school may offer in the instruction of visual or performing arts. Nothing in this section shall be construed to require a school to follow the content standards.

(c) Nothing in this section shall be construed as mandating an assessment of pupils in visual or performing arts.

60605.5. (a) On or before November 15, 2001, the State Board of Education shall adopt a performance standards system that includes the following components:

(1) Performance levels.

(2) Performance level descriptors.

(3) Test administration data from the applicable State Board of Education adopted tests.

(4) Exemplars of pupil performance that exemplify the content and performance standards.

(b) The State Board of Education shall ensure that the performance standards system is aligned to the state's academically rigorous content standards.

60606. (a) After designating a test of academic achievement for use in grades 2 to 11, inclusive, pursuant to section 60642, or adopting an assessment of applied academic skills for use in grades 4, 5, 8, and 10 pursuant to section 60605, the State Board of Education shall submit each of those two instruments when designated or adopted to the Statewide Pupil Assessment Review Panel, which is hereby established, for review by the panel.

(b) The panel shall consist of six members. Three members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Superintendent of Public Instruction. A majority of the panel shall consist of parents whose children attend public schools in the state in kindergarten and grades 1 to 12, inclusive.

(c) Panel members shall serve two-year terms, without compensation. No panel member shall serve more than two consecutive terms.

(d) The panel shall review the two instruments specified in subdivision (a) in order to ensure that the content of the instruments complies with the requirements of section 60614. Notwithstanding any other provision of law, the panel may meet in closed session with a publisher for the purpose of addressing questions and clarifying issues that relate to ensuring that the content of the publisher's test or assessment, as the case may be, comply with the requirements of section 60614.

(e) The panel shall report its findings and recommendations to the State Board of Education within 10 days of its receipt of each instrument. If the panel fails to report within the required 10 days, the test or assessment shall be deemed acceptable to the panel.

60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the standardized testing and reporting program established pursuant to Article 4 (commencing with section 60640), results of end-of-course exams he or she has taken, and whatever vocational education certification exams he or she chose to take.

(b) It is the intent of the Legislature that school districts and schools use the results of the academic achievement tests administered annually as part of the statewide pupil assessment program to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c) Any pupil, or his or her parent or guardian, may request and receive individual pupil assessment results from the assessments of applied academic skills administered pursuant to subdivision (c) of section 60605 to the extent individual results are available.

(d) Any pupil results or record of achievement shall be private, and may not be released to any person, other than the pupil's parent or guardian and a teacher, counselor, or administrator directly involved with the pupil, without the express written consent of the parent or guardian of the pupil if the pupil is a minor or the pupil if the pupil has reached the age of majority or is emancipated.

60608. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, conduct a testing program pursuant to this chapter and may also administer other tests.

60609. The district wide and school-level results of the assessments of applied academic skills administered pursuant to subdivision (c) of section 60605, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

60610. At the request of the State Board of Education, and in accordance with rules and regulations that the board may adopt, each county superintendent of schools shall cooperate with and assist school districts under his or her jurisdiction in carrying out the testing programs of those districts and other duties imposed on school districts by this chapter.

60611. No city, county, city and county, or district superintendent of schools or principal or teacher of any elementary or secondary school shall carry on any program of specific preparation of the pupils for the statewide pupil assessment program or a particular test used therein.

60612. Upon adoption or approval of assessments pursuant to this chapter, the Superintendent of Public Instruction shall prepare and make available to parents, teachers, pupils, administrators, school board members, and the public easily understood materials describing the nature and purposes of the assessments, the systems of scoring, and the uses to which the assessments will be put.

60613. A school district is an agent of the State Department of Education for the purpose of

administering a test or assessment required pursuant to this article. No action may be brought or maintained against any school district or its officers or employees acting in accordance with the instructions of the Superintendent of Public Instruction or the State Board of Education.

60614. Notwithstanding section 51513, no test, examination, or assessment given as part of the statewide pupil assessment program shall contain any questions or items that solicit or invite disclosure of a pupil's, or his or her parents' or guardians', personal beliefs or practices in sex, family life, morality, or religion nor shall it contain any question designed to evaluate personal behavioral characteristics, including, but not limited to, honesty, integrity, sociability, or self esteem.

60615. Notwithstanding any other provision of law, a parent's or guardian's written request to school officials to excuse his or her child from any or all parts of the assessments administered pursuant to this chapter shall be granted.

60616. Any achievement test designated pursuant to section 60642 or adopted by the State Board of Education pursuant to this chapter may be reviewed by any Member of the Legislature or any member of the governing board of a school district, if the member agrees in writing prior to the review to maintain the confidentiality of the test.

60617. The governing board of any school district may meet in closed session only to review the actual contents of any approved or adopted assessment, provided the governing board agrees by resolution to accept any terms or conditions for that review that are established by rules and regulations of the State Board of Education.

The purpose of this provision is to maintain the confidentiality of the assessments under review.

60618. (a) The academic content and performance standards adopted by the State Board of Education pursuant to section 60605 that are used as standards for the purposes of this article are to be considered model standards for any other purpose.

(b) School districts may use these model standards as a guideline in developing district standards.

60630. (a) The Superintendent of Public Instruction shall prepare and submit an annual report to the Legislature, the State Board of Education, and each school district in the state containing an analysis, on a school-by-school basis, of the results and test scores of the assessment of applied academic skills adopted pursuant to subdivision (c) of section 60605 and the achievement test designated pursuant to section 60642. The report shall include an analysis of the operational factors that appear to have a significant relationship to, or bearing on, the results. The report simultaneously shall be made available in an electronic medium on the Internet. The analysis may include, but need not be limited to, the following factors:

- (1) Financial characteristics, including specially funded programs.
- (2) Pupil and parent characteristics.
- (3) Staff characteristics.
- (4) Instructional methodologies and materials.

(b) School districts shall submit to the State Department of Education whatever information the Department deems necessary to carry out this section.

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 1997-98 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 to 11, inclusive, before June 15, the achievement test designated by the State Board of Education pursuant to section 60642 and the standards-based achievement test provided for in section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils no later than June 25.

(d) The governing board of the school district may administer achievement tests in kindergarten, and grade 1 or 12, or both, as it deems appropriate.

(e) Individuals with exceptional needs who have an explicit provision in their individualized education program that exempts them from the testing requirement of subdivision (b) shall be so exempt.

(f) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivisions (b), (c), (d), and (e) of section 60641.

These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other provision of law, the State Board of Education shall designate for use, as part of this program, a single primary language test in each language for which such a test is available for grades 2 to 11, inclusive, no later than November 14, 1998, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified in sections 60642 and 60643, as applicable.

(g) Pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if such a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the Budget Act and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the

Legislature of the decision.

(i) For the purposes of making the computations required by section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of section 60605 between the State Department of Education and the contractor, shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of section 41202 of the Education Code, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIIB," as defined in subdivision (e) of section 41202 of the Education Code, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

- (1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.
- (2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.
- (3) The number of pupils in paragraph (1) who were exempted from the test pursuant to subdivision (e) of section 60640.
- (4) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

60640.1. (a) For the 1997-98 fiscal year, a school district may receive reimbursement for costs of a test in addition to the test designated pursuant to section 60642 if all of the following conditions are met:

(1) On or before July 1, 1997, the school district can show that it had an executed contract with a test publisher to administer in the 1997-98 school year, pursuant to section 60641 as that section read on June 30, 1997, a test approved by the State Board of Education.

(2) The school district certifies that, if the test is administered in the 1997-98 school year, the district will comply with the requirement of section 60641 as that section read on June 30, 1997.

(3) The costs for which the school district seeks reimbursement pursuant to this section are not associated with the test that is designated pursuant to section 60642.

(b) The Superintendent of Public Instruction may apportion up to five dollars (\$5) per pupil in reimbursement for 1997-98 testing costs in accordance with subdivision (a).

60641. The State Department of Education shall ensure that school districts comply with each of the following requirements:

(a) The achievement test designated pursuant to section 60642 and the standards-based achievement test provided for in section 60642.5 are scheduled to be administered to all pupils during the period prescribed in subdivision (b) of section 60640.

(b) The individual results of each pupil test administered pursuant to section 60640 shall be reported, in writing, to the pupil's parent or guardian. The written report shall include a clear explanation of the purpose of the test, the pupil's score, and its intended use by the school district. Nothing in this subdivision shall be construed to require teachers to prepare individualized explanations of each pupil's test score.

(c) The individual results of each pupil test administered pursuant to section 60640 shall also be reported to the pupil's school and teachers. The school district shall include the pupil's test results in his or her pupil records. However, except as provided in this section, individual pupil test results may only be released with the permission of the pupil's parent or

guardian.

(d) The district wide, school-level, and grade-level results of the STAR Program in each of the grades designated pursuant to section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. These results shall be reported at the same meeting at which the results of the assessments of applied academic skills are reported pursuant to section 60609, when those assessments are implemented.

(e) The publisher designated pursuant to section 60642 and the publisher of the standards-based achievement tests provided for in section 60642.5 shall make the individual pupil, grade, school, school district, and state results available to the State Department of Education pursuant to paragraph (8) of subdivision (a) of section 60643 by August 8 of each year in which the achievement test is administered. The State Department of Education shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered.

60642. (a) By September 1, 1997, or as soon thereafter as is practical, the State Board of Education may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of section 60605 for use as part of the STAR Program established by this article.

(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in section 60644, shall designate for use as part of the STAR Program a single test in grades 2 to 11, inclusive, no later than November 14, 1997.

(c) The State Board of Education shall ensure that the achievement test designated pursuant to subdivision (b) contains the subject areas specified in subdivision (c) of section 60603 for grades 2 to 8, inclusive, and the core curriculum areas specified in subdivision (e) of section 60603 for grades 9 to 11, inclusive.

(d) The State Board of Education is hereby authorized to designate the achievement test to be administered pursuant to this article for more than one academic year subject to the availability of funds.

60642.5. (a) The Superintendent of Public Instruction, with approval of the State Board of Education, shall provide for the development of an assessment instrument that measures the degree to which pupils are achieving the academically rigorous content standards and performance standards, to the extent standards have been adopted by the State Board of Education. This standards-based achievement test shall contain the subject areas specified in subdivision (c) of section 60603 for grades 2 to 8, inclusive, and the core curriculum areas specified in subdivision (e) of section 60603 for grades 9 to 11, inclusive, and shall include, at a minimum, a direct writing assessment once in elementary school and once in middle or junior high school and other items of applied academic skill if deemed valid and reliable and if resources are made available for their use.

(b) In approving a contract for the development or administration of the standards-based achievement test, the State Board of Education shall consider each of the following criteria:

(1) The ability of the contractor to produce valid, reliable individual pupil scores.

(2) The ability of the contractor to report results pursuant to subdivision (a) of section 60643 by August 8.

(3) The ability of the contractor to ensure alignment between the standards-based achievement test and the academically rigorous content and performance standards as those standards are adopted by the State Board of Education. This criterion shall include the ability of the contractor to implement a process to establish and maintain alignment between the test items and the standards.

(4) The per pupil cost estimates of developing, and, if appropriate, administering the proposed assessment with a system to facilitate the determination of future per pupil cost determinations.

(5) The contractor's procedures to ensuring the security and integrity of test questions and materials.

(6) The contractor's experience in successfully conducting testing programs adopted and administered by other states. For experience to be considered, the number of grades and pupils tested shall be provided.

(c) The standards-based achievement tests may use items from other tests including items from the achievement test designated pursuant to section 60642.

60643. (a) To be eligible for consideration under section 60642 or 60642.5 by the State Board of Education, test publishers shall agree in writing each year to meet the following requirements, if selected:

(1) Enter into an agreement, pursuant to subdivision (e), with the State Department of Education by November 15, for the 1999-2000 school year, or by October 15, for any school year thereafter.

(2) With respect to selection under section 60642.5, align the standards-based achievement test provided for in section 60642.5 to the academically rigorous content and performance standards adopted by the State Board of Education.

(3) Comply with subdivisions (c) and (d) of section 60645.

(4) Provide valid and reliable individual pupil scores only in the content areas specified in subdivision (c) of section 60642 to parents or guardians, teachers, and school administrators.

(5) Provide valid and reliable aggregate scores only in the content areas specified in subdivision (c) of section 60642 to school districts and county boards of education in all of the following forms and formats:

(A) Grade level.

(B) School level.

(C) District level.

(D) Countywide.

(E) Statewide.

(F) Comparison of statewide scores relative to other states.

(6) Provide disaggregated scores, based on limited-English-proficient status and non-limited-English-proficient status. For purposes of this section, pupils with "non-limited-English-proficient status" shall include the total of those pupils who are English-only pupils, fluent-English-proficient pupils, and redesignated fluent-English-proficient pupils. These scores shall be provided to school districts and county boards of education in the same form and formats listed in paragraph (5).

(7) Provide disaggregated scores by pupil gender and provide disaggregated scores based on whether pupils are economically disadvantaged or not. These disaggregated scores shall be in the same form and formats as listed in paragraph (5). In any one year, the disaggregation shall entail information already being collected by school districts, county

offices of education, or charter schools.

(8) Provide disaggregated scores for pupils who have individualized education programs and have enrolled in special education, to the extent required by federal law. These scores shall be provided in the same forms and formats listed in paragraph (5). This section may not be construed to exclude the scores of special education pupils from any state or federal accountability system.

(9) Provide information listed in paragraphs (5), (6), (7), and (8) to the State Board of Education and the State Department of Education in the medium requested by each entity, respectively, by the date set forth in subdivision (e) of section 60641.

(b) It is the intent of the Legislature that the publisher work with the Superintendent of Public Instruction and the State Board of Education in developing a methodology to disaggregate statewide scores as required in paragraphs (6) and (7) of subdivision (a), and in determining which variable indicated on the STAR testing document shall serve as a proxy for "economically disadvantaged" status pursuant to paragraph (7).

(c) Access to any information about individual pupils or their families shall be granted to the publisher only for purposes of correctly associating test results with the pupils who produced those results or for reporting and disaggregating test results as required by this section. School districts are prohibited from excluding a pupil from the test if a parent or parents decline to disclose income. Nothing in this chapter shall be construed to abridge or deny rights to confidentiality contained in the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable provisions of state and federal law that protect the confidentiality of information collected by educational institutions.

(d) Notwithstanding any other provision of law, the publisher of the achievement test designated pursuant to section 60642 and the publisher of the standards-based achievement test provided for in section 60642.5 shall comply with all of the conditions and requirements enumerated in subdivision (a) to the satisfaction of the State Board of Education.

(e) (1) Commencing January 1, 2000, a publisher may not provide a test described in section 60642 or 60642.5 or in subdivision (f) of section 60640 for use in California public schools unless the publisher enters into a written contract with the State Department of Education as set forth in this subdivision.

(2) The State Department of Education shall develop, and the State Board of Education shall approve, a contract to be entered into with a publisher pursuant to paragraph (1). The Department may develop the contract through negotiations with the publisher.

(3) For purposes of the contract authorized pursuant to this subdivision, the State Department of Education is exempt from the requirements of Part 2 (commencing with section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(4) The contract shall include provisions for progress payments to the publisher for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price.

(5) The contract shall require liquidated damages to be paid by the publisher in the amount of up to 10 percent of the total cost of any component task that the publisher through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

(6) The contract shall establish the process and criteria by which the successful completion of each component task shall be recommended by the State Department of Education and approved by the State Board of Education.

(7) The publishers shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of the costs for each component task and the expected date of the invoice for each completed component task.

(8) The costs associated with item development shall be provided as a separate amount and shall not be amortized across the number of tests to be administered.

(9) The contract shall specify the following component tasks that are separate and distinct:

(A) Development of new tests or test items as required by paragraph (2) of subdivision (a).

(B) Test materials production or publication.

(C) Delivery of test materials to school districts.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the school districts, including, but not limited to, all reports specified in this section.

(F) Reporting of test results to the State Department of Education, including, but not limited to, the electronic files required pursuant to this section.

(G) All other analyses or reports required by the Superintendent of Public Instruction to meet the requirements of state and federal law and set forth in the agreement.

(10) The contract shall specify the specific reports and data files that are to be provided to school districts by the publisher and the number of copies of each report or file to be provided.

(11) The contract shall specify the means by which the delivery date for materials to each school district shall be verified by the publisher and the school district.

(12) School districts may negotiate a separate agreement with the publisher for any additional materials or services not within the contract specified in this subdivision, including, but not limited to, the administration of the tests to pupils in grade levels other than grades 2 to 11, inclusive. Any separate agreement is not within the scope of the contract specified in this subdivision.

60643.1. (a) (1) Commencing in the 1999-2000 school year, and each school year thereafter, the test publisher designated by the State Board of Education pursuant to section 60642 shall make available a reading list on the Internet by June 1. The reading list shall include an index that correlates ranges of pupil reading scores on the English language arts portion of the achievement test designated pursuant to section 60642 to titles of materials that would be suitable for pupils in each of grades 2 to 11, inclusive, to read in order to improve their reading skills. This reading list shall include titles of books that allow a pupil to practice reading at his or her current reading level and that will assist the pupil in achieving a higher level of proficiency. To the extent possible, the index shall also include information related to the subject matter of each title. At a minimum, the reading list shall also categorize titles by subject matter and identify age-appropriate distinctions in the list.

(2) Commencing in the 1999-2000 school year, and each school year thereafter, the test publisher shall make available, for purchase by school districts, a report that provides a numerical distribution of the reading scores of all pupils in California who took the achievement test designated pursuant to section 60642.

(3) Commencing in the 1999-2000 school year, and each school year thereafter, the test publisher shall make available, for purchase by school districts, reading lists that can be distributed to pupils based on a pupil's age and the ranges of scores on the English language arts portion of the achievement test designated pursuant to section 60642.

(4) The requirements of this subdivision shall only become operative upon a determination by the Director of Finance that funds are available to make an adjustment pursuant to subdivision (h) of section 60640.

(b) The State Board of Education and the Superintendent of Public Instruction shall jointly certify that the process used by the publisher to determine the reading levels of the corresponding reading list pursuant to paragraph (1) of subdivision (a) meets the following criteria:

(1) The process is educationally valid.

(2) The process results in a reading list for each reading span that provides titles at the pupil's current reading level and the next higher level for challenging practice.

(3) The process results in a selection from the universe of titles from the list developed pursuant to subdivision (d) that matches each reading level.

(4) The process is unbiased in the selection of publishers' titles from the legal compliance list.

(c) The titles listed at each reading level range posted on the Internet and the reading lists made available to school districts pursuant to subdivision (a) shall, at a minimum, include all relevant literature materials approved as of September 1, 1999, as being legally compliant pursuant to Article 3 (commencing with section 60040) of Chapter 1, and the titles listed in all of the content area reading and literature lists that are developed and published by the State Department of Education and that have been determined by the Department to meet the relevant reading level as certified pursuant to subdivision (b).

(d) By imposing the requirements of this section on publishers, it is not the intent of the Legislature to unfairly disadvantage any publisher who has otherwise met the requirements of this section or of Article 3 (commencing with section 60040) of Chapter 1 of Part 33.

60643.5. (a) A school shall be reimbursed by the test publisher selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the STAR program.

(b) The State Board of Education shall adopt necessary changes to the standard agreement adopted pursuant to section 60643 to provide for the reimbursement required by subdivision (a) to ensure timely delivery of testing materials to all schools.

(c) The State Department of Education shall monitor and report to the State Board of Education regarding the publisher's production, processing, and delivery system to ensure that a timely delivery of testing materials to all schools occurs during the 1999-2000 testing cycle.

60644. In designating an achievement test pursuant to section 60642, the State Board of Education shall adopt only a nationally normed test and shall consider each of the following criteria:

(a) Ability of the publisher to produce valid, reliable individual pupil scores.

(b) Quality and age of empirical data supporting national norm referenced data analysis of the proposed assessment.

(c) Ability to report results pursuant to the provisions of paragraphs (4) to (7), inclusive, of subdivision (a) of section 60643 by August 8.

(d) Ability to report results that permit comparability between data from school districts' previous administration of standardized achievement tests, if feasible.

(e) Per-pupil cost estimates of administering the proposed assessment.

(f) The publisher's procedure for ensuring the security and integrity of test questions and materials.

(g) Experience in the successful conduct of testing programs adopted and administered by other states. For experience to be considered, the number of grades and pupils tested shall be provided.

60645. (a) The panel established pursuant to section 60606 shall review the achievement test designated by the State Board of Education pursuant to section 60642, the standards-based achievement test provided for in section 60642.5, and items identified in subdivision (d) for compliance with section 60614.

(b) Any test questions or test content identified by the panel to be out of compliance with section 60614 shall be recommended for deletion or replacement pursuant to subdivision (e) of section 60606.

(c) The State Board of Education shall ensure that any question or content not in compliance with section 60614 is deleted from assessments designated pursuant to section 60642 and the standards-based achievement test provided for in section 60642.5.

(d) If necessary to maintain the requirements of section 60642.5, the publisher shall replace deleted test content with revisions that comply with section 60614 as required by the State Board of Education pursuant to subdivision (c).

60647. Any action to challenge any provision of this article or any determination made by the State Board of Education thereunder, shall be filed and adjudicated pursuant to the provisions of sections 860 to 870, inclusive, of the Code of Civil Procedure, except that any determination made by the State Board of Education pursuant to section 60642 may only be challenged by an unsuccessful publisher pursuant to an action filed within 30 days thereafter.

No exercise of discretion by the State Board of Education in its administration of this article or exercise of its discretion pursuant to section 60605 shall be overturned absent a finding that the State Board of Education acted in an arbitrary and capricious manner.

60648. The Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt, levels of pupil performance on achievement tests administered pursuant to this article in reading, English language arts, and mathematics at each grade level. The performance levels shall identify and establish the level of performance that is deemed to be the minimum level required for satisfactory performance in the next grade. These levels of performance shall only be adopted after the standards-based achievement tests have been aligned, pursuant to paragraph (2) of subdivision (a) of section 60643, to the content and performance standards adopted by the State Board of Education pursuant to subdivision (a) of section 60605.

60649. On or before March 1, 2001, the Superintendent of Public Instruction and the State Board of Education shall report to the Legislature and the Governor on the status of implementation of this chapter. The report shall include, but not be limited to, the following:

(a) Description of the actions taken to ensure full coverage of academic content standards in assessments developed pursuant to this chapter.

(b) Identification of the types of test items designed to measure applied academic skills, as defined in subdivision (b) of section 60603.

(c) The means by which the Superintendent of Public Instruction and the State Board of Education determine assessments are valid, reliable, and provide consistent year-to-year comparisons of student progress, consistent with nationally recognized and accepted test construction and implementation methodologies, as applicable.

(d) Recommendations to improve the state's assessment system, identifying related costs or

savings, and increases or decreases in testing time.

60650. There is hereby established the Golden State Examination Program for the purpose of administering the Golden State Examination to pupils enrolled in public high schools. The Golden State Examination shall measure pupil achievement under statewide standards of competency in academic subjects, and shall adopt a special honors designation and insignia on a high school diploma for qualifying pupils. Participation in the Golden State Examination Program shall be voluntary on the part of each school district maintaining a high school. The governing board of each participating school district shall determine the extent to which pupils of the district shall be required to participate in the Golden State Examination.

60650.5. The Superintendent of Public Instruction for a fee shall make the Golden State Examination available to any private school that requests the examination. The fee shall be calculated by the State Department of Education, and shall be in an amount that reimburses the state for all of the state's costs for making the examination available to the private school. The fee collected from a private school shall include, but not be limited to, the costs of developing, printing, distributing, and scoring the examinations, and the costs for reporting examination results. The fee collected from a private school shall be deposited in the State Treasury to the credit of the fund or funds against which the costs were charged.

60651. The Superintendent of Public Instruction shall prepare an annual report comparing examination results among all participating school districts including the average scores achieved on the academic subject matter examination, the number of pupils taking each examination, and the number of pupils qualifying for honors.

60652. It is the intent of the Legislature that school districts encourage local representatives of business and industry to recognize pupils who receive an honors designation based on the Golden State Examinations.

60800. (a) During the month of March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

(b) Upon request of the State Department of Education, a school district shall submit to the Department, at least once every two years, the results of its physical performance testing.

(c) The State Department of Education shall compile the results of the physical performance test and submit a report every two years, by December 31, to the Legislature and Governor that standardizes the data, tracks the development of high-quality fitness programs, and compares the performance of California's pupils with national performance, to the extent that funding is available.

60810. (a) (1) The Superintendent of Public Instruction shall review existing tests that assess the English language development of pupils whose primary language is a language other than English. The tests shall include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written skills. The superintendent shall determine which tests, if any, meet the requirements of subdivisions (b) and (c). If any existing test or series of tests meets these criteria, the superintendent, with approval of the State Board of

Education, shall report to the Legislature on its findings and recommendations.

(2) If no suitable test exists, the superintendent shall explore the option of a collaborative effort with other states to develop a test or series of tests and share test development costs. If no suitable test exists, the superintendent, with approval of the State Board of Education, may contract with a local education agency to develop a test or series of tests that meets the criteria of subdivisions (b) and (c) or may contract to modify an existing test or series of tests so that it will meet the requirements of subdivisions (b) and (c).

(3) Not later than August 15, 1999, the Superintendent of Public Instruction and the State Board of Education shall release a request for proposals for the development of the test or series of tests required by this subdivision. Not later than September 15, 1999, the State Board of Education shall select a contractor or contractors for the development of the test or series of tests required by this subdivision, to be available for administration during the 2000-01 school year.

(b) The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in kindergarten and grades 1 to 12, inclusive, in English reading, speaking, and written skills, except that pupils in kindergarten and grade 1 shall be assessed in reading and written communication only to the extent that comparable standards and assessments in English and language arts are used for native speakers of English.

(c) The test or series of tests shall meet all of the following requirements:

(1) Provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English proficiency to fluent English proficiency with at least two intermediate levels.

(2) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(3) Be capable of administration to pupils with any primary language other than English.

(4) Be capable of administration by classroom teachers.

(5) Yield scores that allow comparison of a pupil's growth over time, can be tied to readiness for various instructional options, and can be aggregated for use in the evaluation of program effectiveness.

(6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the State Board of Education pursuant to section 60811.

(d) The test shall be used for the following purposes:

(1) To identify pupils who are limited English proficient.

(2) To determine the level of English language proficiency of pupils who are limited English proficient.

(3) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

60811. Not later than July 1, 1999, the State Board of Education shall approve standards for English language development for pupils whose primary language is a language other than English. The standards shall be comparable in rigor and specificity to the standards for English language arts adopted pursuant to section 60605.

60812. Commencing the school year following the year in which the Superintendent of Public Instruction has developed or identified a test pursuant to this chapter, the State Department of Education shall place the results of the statewide test, including average scores for every school district on its Internet site for public access.

Attachment E

Sample Copy of
“Price Quotation on Instructional Materials” Form

**Price Quotation on Instructional Materials
California State Department of Education
Subject: 14 R Reading/Language Arts**

Effective Date - 7/1/01

H100 HARCOURT BRACE SCHOOL PUBLISHERS

Material Type: Items Already In Adoption

Subject: 14 Reading/Language Arts

Contact Name	Typed Name and Title of Officer		
Title	Signature of Officer		
(Area Code) Phone #	Ca Sales Tax Permit No. or "None"	Date	

SIGNATURES, C1997
by Farr, Strickland, and Others

KINDERGARTEN

State ID Number	Copyright Year	Grade Level	Publisher ID	ITEM DESCRIPTION	ITEM COST			*Free Teacher Addition
					Unit Price	Freight FOB	Total Cost	
60	1997	K	0-15-306861-2	SIGNATURES KINDERGARTEN PROGRAM				
80	1997	K	0-I 5-306398-X	Big Book Collection (component of Signatures Kindergarten Program)				
100	1997	K	0-15-306880-9	Dancing Feet, Big Book (component of Big k Collection)				
120	1997	K	0-15-306881-7	Pass the Fritters, Critters, Big Book (component f Big Book Collection				
140	1997	K	0-15-306882-5	Jesse Bear, What Will You Wear?, Big Book (component of Big Book Collection)				
160	1997	K	0-15-306883-3	The Absent-Minded Toad, Big Book (component t of Big Collection)				
180	1997	K	0-15-306884-1	Sitting on the Farm, Big Book (component Big Book Collection)				
200	1995	K	0-15-301339-7	Together, Big Book (component of Big Book Collection)				
220	1997	K	0-15-306886-8	Snowballs, Big Book (comp (component of Big Collection)				
240	1997	K	0-15-306887-6	Two Little Shoes, Big (component f Big Book Collection)				
260	1997	K	0-15-306888-4	Look Out, Bird!, Big (component o Big Collection)				
280	1997	K	0-I 5-306889-2	Old Mister Rabbit, g Book (component Book Collection)				
300	1997	K	0-15-306890-6	What Is the Sun?, Big Book (component of Big Book Collection)				
320	1997	K	0-I 5-306891-4	Pigs Aplenty, Pigs Galore, Big Book (component of Big Book Collection)				
340	1995	K	0-I 5-303521-8	(The Accidental Zucchini, Big Book (component of Big Book Collection)				
360	1997	K	0-I 5-306893-0	Lunch, Big Book (component of Big Book Collection)				
380	1997	K	0-I 5-306894-9	Big Book of Rhymes and Songs (component of Big Book Collection)				
400	1997	K	0-15-306407-2	Big Book Literature Cassette Collection (component of Signatures Kindergarten Program)				

Attachment F

CCR-5 section 854 on Advance Preparation Test
And
SBE Policy on Preparation for State Tests
And the Standardized Testing and Reporting (STAR) Program

CCR-5

Section 854. Advance Preparation for Test.

- (a) Except for materials specifically included within the designated achievement test, no program or materials shall be used by any school district or employee of a school that are specifically formulated or intended to prepare pupils for the designated achievement test. No administration or use of an alternate or parallel form of the designated test for any stated purpose shall be permitted for any pupils in grades 2 through 11, inclusive.
- (b) Practice tests provided by the publisher as part of the designated achievement test for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of Subdivision (a).

Note: Authority cited: Sections 33031 and 60605(g) and (h), Education Code. Reference: Sections 60611 and 60640, Education Code.

Policy on Preparation for State Tests and the Standardized Testing and Reporting (STAR) Program

Introduction

In general, the best preparation for state tests including the STAR tests is good instruction. This can be broadly defined as instruction in the content specified in California's content standards, employing the instructional principles and practices set forth in the content-area frameworks. It is the standards and the frameworks, therefore that should guide instructional programs. The instructional program should be designed to ensure that students master the standards at their own and earlier grade levels, since the standards at particular grades are based on content introduced at earlier grades. The instructional program should ensure that students are able to demonstrate mastery of the content standards in multiple formats-e.g. multiple choice, short answer, and essay. The instructional program should include practice assignments that are timed, and test reports for individual students and groups of students should be used to identify skill areas that may require emphasis.

A simple way to determine whether a contemplated test preparation procedure is permissible is to ask, "If the specific test for which I am preparing students were discontinued and a different test of the same type or of a different format were substituted, would my test preparation procedure remain the same or would it change?" If it would remain the same, then it probably is permissible because it is most likely generic preparation for any test or test format rather than for one specific test or format. On the other hand, if that test preparation would change, then it probably is not permissible because it is most likely intended to improve achievement on a particular test rather than to teach general test-taking skills.

Background

As stated in section 60611 of the California *Education Code*, "No city, county, city and county, or district superintendent of schools or principal or teacher of any elementary or secondary school shall carry on any program of specific preparation for the statewide pupil assessment program or 'a particular test used therein.'" Further, as set forth in Title 5, California Code of Regulations, section 854, also in reference to the statewide testing program, "no. program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the designated achievement tests." Title 5 regulations, however, do permit the use of "materials specifically included within the designated achievement test," including "practice tests provided by the publisher as part of the designated achievement test" (*Title 5, California Code of Regulations, section 854*).

The Standards for Educational and Psychological Testing state that "the integrity of test results should be maintained by eliminating practices designed to raise scores without improving performance on the construct or domain being tested." They comment that practices such as "reaching test items in advance, modifying test administration procedures, and discouraging or excluding certain test takers from taking the test can lead to spuriously high scores that do not reflect performance on the underlying construct or domain of interest" (Standard 15.9). These standards also note that "the appropriateness of test preparation activities can be evaluated . . . by determining the extent to which test-scores are artificially raised without actually increasing students' level of achievement" (Standard 13.11).

Statement of Policy

The following test preparation **policy** was adopted by the State Board of Education on September 7, 2000:

No city, county, city and county, or district superintendent of schools or principal or teacher is to use any test preparation materials or strategies developed for a specific test. This includes but is not limited to published materials, materials available on the Internet, and materials developed by schools, district or county offices of education, and/or outside consultants.

STAR Test Preparation Examples

The STAR program consists of three tests: The Stanford Achievement Test, Ninth Edition, Form T (Stanford 9); the Spanish Assessment of Basic Education, Second Edition (SABE/2); and the California Standards Tests. The Stanford 9 and SABE/2 are norm-referenced achievement tests; the California Standards Tests are criterion-referenced tests. All are multiple-choice tests designed to verify breadth of learning. The California Standards Tests at grades 4 and 7 also require students to produce a writing sample. The information below provides examples of test preparation practices that are and are not appropriate for the Stanford 9, SABE/2, California Standards Tests, and standards-test writing assessments at grades 4 and 7. The practices identified here as appropriate and inappropriate represent specific applications of the statute and regulations.

STAR Multiple-choice Tests: Stanford 9, SABE/2, and California Standards Tests

Appropriate Test Preparation:

- Use practice tests provided by the test publisher as part of the state testing program.

- Prepare students with test-taking strategies designed to make them better at taking any type of test rather than to prepare them specifically for taking the Stanford 9, SABE/2, or California Standards Tests. This practice may, in fact, make the test more valid by reducing the influence of factors such as previous testing experience. Examples of appropriate strategies might include:
 - ◆ •using time efficiently
 - ◆ •understanding directions
 - ◆ •placing answers correctly on answer sheets
 - ◆ •checking answers
 - ◆ •using the problem-solving tactics of educated guessing, estimating, and working problems backward
 - ◆ •exposing students to various test formats, including questions that contain "none of above," "all of above," "not here," negative wording, and true-false statements ,

The suggestions noted above apply to materials produced by test-preparation companies as well as those prepared by individual teachers, schools, districts, and county offices of education.

Inappropriate Test Preparation:*

Conducting reviews or drills that use actual test items or identical format items of the Stanford 9, SABE/2, or California Standards Tests.

- Conducting a test preparation program designed specifically to prepare students to perform well on the Stanford 9, SABE/2, or California Standards Tests as opposed to a program designed to teach general test-taking strategies. In regard to the norm-referenced Stanford 9 and SABE/2, the norm groups to which California students are being compared received no specific preparation for these tests, so that the scores of students who do prepare for these specific tests may be invalid.

* This section is not intended to cover all inappropriate test preparation practices.

- Preparing students in ways that improve scores without improving underlying achievement.
- Using sample items to prepare practice items in the same format.
- Using alternate forms of the test. Practice with alternate forms affects the accuracy of generalizations that might be made about a student's mastery of the content domain the test is designed, to sample.
- Using copies of tests from previous years.
- Reviewing the test to be administered and then reviewing the test-specific curriculum content with students before administering the test.

California Standards Writing Tests at Grades 4 and 7

Appropriate Test Preparation:

- Have students to write regularly in all content domains. The Reading/Language Arts Framework contains standards that describe writing strategies, applications, and conventions for these grade levels as well as teaching strategies for implementing these standards effectively.
- Have students edit their own work and the work of other students.
- Share scoring rubrics and sample papers with students and help them use these materials to evaluate their own writing.
- Provide written directions for writing prompts throughout the school year and teach students to identify key words in them.
- Teach students to reread directions for written assignments and then read their responses to verify that they have fulfilled all requirements.

Inappropriate Test Preparation: *

- Having worksheets that only ask students to edit for mechanics, conventions, and the like. While not prohibited, these types of worksheets generally are not effective in helping students learn to write well.
- Focusing on one type of writing in the expectation that it will be tested during a specific year.

Consequences of Inappropriate Test Preparation

Confirmed instances of inappropriate test preparation involving city, county, district, or school personnel may result in a number of negative consequences for the parties involved. These may include, but would not necessarily be limited to, the following.

Notice of *STAR* testing irregularities may be posted on the *STAR* Internet site for the school involved.

Schools may become ineligible for awards such as those available through the Governor's performance award programs.

Personnel may be subject to district sanctions as outlined in district policies or teacher contracts.

Students may become ineligible for scholarships and awards such as those provided through the Governor's Scholars Program.

* This section is not intended to cover all inappropriate test preparation practices.

Attachment G

Instructional Materials Funding (IMF) Policy

IMF EXPENDITURE POLICY (K---8)

The education code direct the California State Board of Education to establish the Instructional Materials Fund (IMF) expenditure policy *[Education Code section 60242(b)].

70% of IMF funds may be spent on:

- State-adopted instructional materials.

25% of IMF funds may be spent on:

- Non-adopted instructional materials that have passed legal compliance review at the state level;
- Instructional materials that are exempt from a legal compliance review, such as trade books, maps and globes, reference materials (including dictionaries), mathematics manipulatives, and hand-held calculators;
- Instructional materials that are designed for use by pupils and their teachers as a learning resource, are integral to a program as defined in Education Code section 60010(h), but do not contain print or pictures, and therefore, do not need a legal compliance review.

5% of the IMF funds may be spent on:

- Any instructional materials which has passed a state or local level legal compliance review;
- Instructional television and distance learning;
- Tests (Education Code section 60242(a) (3));
- Inservice training (Education Code section 60242(a) (5));
- Binding Basic textbooks (Education Code section 60242 (a) (4)).

Note: School districts may petition the State Board of Education for approval to spend more than 30 percent of their IMF on non-adopted instructional materials that have passed legal compliance review at the state level, or materials which do not require a legal compliance review, and which better meet the curricular goals of the district and are deemed to be more desirable for their student population. No petition is needed if the materials are for the "Structured English Immersion" program, as described on the reverse side of this paper.

*IMF expenditure percentages were approved by the State Board of Education on July 14, 1989, and amended on July 9, 1998, and June 8, 2000. California Department of Education, Curriculum Frameworks and Instructional Resources Division (916) 657-3203.

AMENDMENT TO THE INSTRUCTIONAL MATERIALS FUND EXPENDITURE POLICY

The State Board of Education, at their July 9, 1998 meeting, approved the following as an amendment to their instructional materials fund (IMF) policy. This amendment was extended at their June 8, 2000 meeting to be effective through June 30, 2002.

During the 1998-99, 1999-2000, 2000-01 school years (July 1, 1998 - June 30, 2002) school districts and county offices of education may spend up to 100% of their IMF on core or supplementary instructional materials from any source suitable for instruction in the "Structured English Immersion" program called for in Education Code section 300-340 (Proposition 227), provided that:

- 1) Those materials are core materials or supplementary materials that will help students develop skills in English (reading, writing, speaking and understanding); and
- 2) The local school board certifies in a public meeting that the materials are appropriate for the "Structured English Immersion" program described under Proposition 227; and
- 3) The local school board has reviewed the alignment of the materials with the State Board approved content standards in language arts.

Foreign Language Amendment:

School districts and county offices of education may use 100% of their IMF to purchase Foreign Language Materials that were adopted in 1990 until June 30, 2003.

NOTE: The adopted Foreign Language materials expired on June 30, 2000. The State Board of Education has delayed another adoption of Foreign Language materials until 2003, pending the completion of the Foreign Language Framework. At their June 2000 Board meeting the State Board amended their Instructional Materials Fund Policy as shown in the above paragraph.

Updated June 30, 2000

Attachment H

Schiff-Bustamante Waiver Policy



California State Board of Education

99-06 Waiver Policy

SUBJECT: **Schiff-Bustamante Standard-Based Instructional Materials Program**

DATE ADOPTED:
October 7, 1999
DATES AMENDED:
January 10, 2001
February 8, 2001

REFERENCES:

Education Code section 33050 et seq.
Education Code section 60200(g)
Education Code section 60240 et seq.
Education Code section 60450 et seq.

The *Schiff-Bustamante Standards-Based Instructional Materials Program* (Education Code section 60450 et seq.) appropriates \$250 million in each of fiscal years 1999-2000 through 2001-2002 for allocation to local education agencies (LEAs) on the basis of prior-year enrollment. [The same amount was appropriated for allocation in 1998-99 by the Budget Act of 1998.] LEAs must spend the allocations "for the sole purpose of purchasing instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1-12, inclusive." For grades K-8, only instructional materials adopted by the State Board of Education using criteria developed subsequent to the adoption of state content standards may be purchased. For grades 9-12, only basic instructional materials that have been reviewed and approved through a resolution adopted by the local governing board as being aligned with state content standards may be purchased.

The State Board of Education notes that other funds, state and local, are available to LEAs for the acquisition of instructional materials that may not be purchased with allocations received under the *Schiff-Bustamante Standards-Based Instructional Materials Program*. For example, a portion of state Instructional Materials Fund allocations received pursuant to Education Code section 60240 et seq., may be used to purchase non-adopted instructional materials for grades K-8, and that portion may be increased through the petition process established under Education Code section 60200(g). For grades 9-12, the funds received by LEAs pursuant to Education Code section 60247 may be used to purchase non-standards-aligned instructional materials.

Accordingly, the State Board of Education expresses its intent to deny any requests to waive the requirement that allocations received under the *Schiff-Bustamante Standards-Based Instructional Materials Program* be used for the sole purpose of purchasing standards-aligned instructional materials as defined therein.

Exception for Reading-Language Arts. Until the completion of the 2002 Reading-Language Arts and English Language Development Adoption (which is anticipated at the January 2002 State Board of Education meeting), the State Board expresses the following exception to the intent to deny waiver requests set forth above. The exception is for requests in which the applying LEA:

- (1) Seeks the waiver in order to purchase a continuation (extension) of a reading-language arts instructional materials program (that was adopted by the State Board under the AB 2519 Additional Adoptions Process) to grades not available for consideration at the time the AB 2519 Additional Adoptions Process was conducted; and
- (2) Presents compelling evidence that the instructional materials to be purchased under the waiver promote the maximum efficiency of standards-based pupil learning in that LEA.

No waiver approved by the State Board in keeping with this exception shall be interpreted as prejudging the acceptability for adoption of the instructional materials to be purchased under the waiver. All instructional materials submitted for the 2002 Reading-Language Arts and English Language Development Adoption must meet the criteria that have been approved by the State Board (and otherwise satisfy all requirements of law) in order to be adopted.

Exception for Mathematics. The State Board expresses an exception to the intent to deny waiver requests as set forth above for mathematics instructional materials in cases where an applying LEA demonstrates all of the following to the State Board's satisfaction:

- (1) The schools where the non-adopted materials will be used have been using the same materials (or an earlier copyright version of those materials) prior to the 2001 Mathematics Adoption;
- (2) The materials, though not adopted, provide sufficient coverage that the district's teachers can teach and students can master the mathematics content standards at the affected grade levels; and
- (3) Students in the schools where the non-adopted materials will be used have demonstrated exemplary achievement (in total and for all sub-groups) as measured by the Standardized Testing and Reporting (STAR) Program.

For purposes of paragraph (1), "prior to the 2001 Mathematics Adoption" shall mean the fall 2000 academic semester (or corresponding period in year-round schools) and continuously since that time.

For purposes of paragraph (2), the waiver application shall include a "standards map" produced by the publisher that shows where the mathematics content standards are covered in affected materials. This "standards map" shall be reviewed by one or more members of the Curriculum Development and Supplemental Materials Commission (as designated by that body) with assistance as the commissioner(s) may deem necessary from mathematics content experts, teachers, school administrators, and other parties who could assist in determining the sufficiency of the affected materials' coverage. The determination of the commissioner(s) shall be presented to the State Board with the waiver request.

Attachment I

Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials

Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials*

School Year Ending in June

		97	98	99	00	01	02	03	04	05	06	07	08
Have Content Standards and SBE adopted Instructional Resources	History-Social Science			A	f		a F c			A			F a
	Science			c	A	F	a	c			A	F	
	Mathematics	a	F	c (A)		A		a	F c			A	
	Reading/Language Arts/ELD		F	c (A)			A		a F	c			A
No standards but have SBE adopted Instructional Resources													
	Visual & Performing Arts		A				a	F c			A		
	Foreign Language				F c			A			a		F c
	Health		a			f c			A			a	
No standards or SBE adopted Instructional Resources	Physical Education						F						
	School to Career			H									

(A) = AB2519 Additional Adoptions Process
 A = Primary Adoption
 a = Follow-up Adoption

F = Framework
 f = Framework update
 c = Evaluation Criteria
 H = Handbook
 SBE = State Board of Education
 ELD = English Language Development

*Revised 3/17/00 to move VPA & HSS follow-up adoptions to Summer 2002

Attachment J

Instructional Materials Funding Chart

Funding for the Purchase of Instructional Materials and Library Materials, Fiscal Year 2000-01

<i>Funding Source</i>	<i>Legislation or Budget Act Item Number</i>	<i>Amount Appropriated Rate per pupil/ADA</i>	<i>Restrictions on Use</i>
9-12, Instructional Materials Fund (IMF)	Item 6110-185-0001	\$33,796,000 for Grades 9-12 Approximately \$20.00 per pupil using the October 1999 CBEDS enrollment count	Funds are to use for the purchase of locally adopted instructional materials per <i>Education Code</i> section 60400.
K-8, Instructional Materials Fund (IMF)	Item 6110-186-0001	\$131,056,000 for Grades K-8 Approximately \$31.83 per a.d.a. using the 1999-00 second period average daily attendance (P-2 a.d.a.)	100% of K-8 funding <i>may</i> be spent for instructional materials in any subject area on any current State Board of Education (SBE) adopted list. 70% <i>must</i> be spent on materials on a current list. Districts have flexibility to use up to 30% of this fund for other purposes, up to 100% for materials for the Structured English Immersion program, and to petition the SBE to spend 100% of their IMF for non-adopted material.
The Schiff-Bustamante Standards-Based Instructional Materials Program (AB 2041) (Also referred to as funding for "AB 2519" materials)	AB 2041, Chapter 312, Statutes of 1998	\$250 million for each of four years, beginning in 1998-99 Approximately \$42.42 per pupil using the October 1999, K-12 CBEDS enrollment count	Materials must be aligned with State Board adopted content standards; K-8 materials must be from one of these adopted lists: <ol style="list-style-type: none"> 1) History-Social Science (through June 30, 2005) 2) AB 2519 Additional Adoptions in Language Arts (through June 30, 2005) & Mathematics (through June 30, 2003) 3) Science (through June 30, 2006) 4) Mathematics (available January 12, 2001 through June 30, 2007)

<i>Funding Source</i>	<i>Legislation or Budget Act Item Number</i>	<i>Amount Appropriated Rate per pupil/ADA</i>	<i>Restrictions on Use</i>
K-12, School Improvement And Pupil Achievement Site Block Grant	SB 1667, Chapter 71, Statutes of 2000	\$180 million for Grades K-12. Approximately \$30 per pupil using the October 1999 K-12 CBEDS enrollment count	One time funds for block grants to schools districts, county offices of education and charter schools. Funds can be used for any one time educational purpose proposed by school site councils and approved by the governing board. Minimum of \$10,000 per site.
K-12, School Library Funds	Item 6110-149-0001	\$158.5 million Approximately \$28.86 per a.d.a. using the 1999-00 second period average daily attendance (P-2 a.d.a.)	Funding is provided for the acquisition of school library resources, equipment to provide access to library resources, and library automation. Materials purchased with these funds shall be circulated from, or used in, the school library media center. New or revised district-wide library plan required.
K-4, Classroom Library Funds	Also known as BOOK (Business Organizations and Opportunities for Kids Fund) Item 6110-150-0001 and AB 1115, Chapter 78, Statutes of 1999	\$25 million for Grades K-4 Approximately \$10.38 per pupil using the October 1999 CBEDS enrollment count	May only be used to purchase classroom non-textbook fiction and nonfiction, books and periodicals. Districts must develop a district-wide classroom library plan approved by local governing board. (Note: Some reading materials on the AB 2519 additional adoptions lists would qualify as non-textbook books and periodicals.)

Attachment K

Learning Resources Display Centers

LEARNING RESOURCES DISPLAY CENTERS

Peg Gardner, LRDC #1
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901 Myrtle Avenue
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bross@sac_co.k12.ca.us

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Bob Benoit LRDC #3
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•
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Bellflower Annex
Library Services
9300 Imperial Highway
Downey, CA 90242-2890
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*** LRDC's 15 & 18 are sharing technology responsibilities. LRDC #15 will showcase Macintosh resources and LRDC #18 will showcase IBM resources. When possible, please sample accordingly.**

March 2001

Attachment L
CCR 5 Regulations

§ 9500 CALIFORNIA CODE OF REGULATIONS Title 5

Chapter 9. Instructional Materials*

*For State Board procedures relating to text books, see Div. 20.

Subchapter 1. Elementary Instructional Materials

Article 1. General Provisions

§ 9500. Definition.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Sections 20241(e)(2) and 60024 Education Code.

§ 9501. Ownership of Materials.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Sections 60295 and 60315, Education Code.

§ 9502. Loan of Instructional Materials.

NOTE: Authority cited: Sections 33031, 60404 and 60500, Education Code. Reference: Sections 60314 and 60315, Education Code.

§ 9503. Distribution of Large Print Textbooks.

§ 9504. Distribution of Braille Textbooks.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Section 60312, Education Code.

§ 9505. Purchase of In-Service Training.

No cash allotment authorized by Education Code Section 60242(b) for purchase of in-service training shall be expended for salaries or for travel or per diem expenses of district employees doing or attendant to participation in such in-service training.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60242(b), Education Code.

§ 9506. Improvement of Quality and Reliability Through Learner Verification.

A plan developed by a publisher or manufacturer to improve the quality and reliability of instructional materials through learner verification shall include, but not be limited to, the following components:

(a) A design for evaluating the effectiveness of the materials in achieving a positive impact on pupil learning, including the effectiveness of the materials with diverse pupil populations and pupils with special needs.

(b) A description of the process for the collection of field testing data.

(c) Provisions for input on the materials from parents, teachers, pupils, and administrators.

(d) A description of the process by which problems with the materials will be identified and a description of the anticipated procedures for solving the problems.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Section 60226, Education Code; and *Eagelmann v. State Board of Education* (1991), 2 Cal. App. 4th 47, 50.

Article 2. Standards and Criteria for Adoption of Instructional Materials

§ 9510. Standards and Criteria for Specific Subject Matter Adoptions.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Chapters 1 and 2 of Part 33 of Title 2, and Section 60401, Education Code.

§ 9511. Standards and Criteria for All Subject Matter Adoptions.

The standards and criteria in the publication entitled *Standards for Evaluating Instructional Materials for Social Content*, 2000 Edition, approved by the State Board of Education on January 13, 2000, and published by the California State Department of Education in 2000 are incorporated in this section by reference and shall apply to all State Board of Education adoptions of instructional materials in all subjects.

NOTE: Authority cited: Sections 33031, 60005, 60048(d), 60200(o) and 60206, Education Code. Reference: Sections 60040-60044, 60048, 60220 and 60200.2 Education Code.

Article 2.1. Adoption of Curriculum Frameworks and Instructional Materials-Procedures

§ 9515. Definitions.

(a) "Board" means the State Board of Education.

(b) "Curriculum Commission" means the Curriculum Development and Supplemental Materials Commission.

(c) "Department" means the California Department of Education.

(d) "Schedule of Significant Events" means the dates promulgated by the Department in the "Invitation to Submit Basic Instructional Materials for Adoption in California."

(e) "Period of Adoption" means the period of time that the instructional materials shall remain in adoption. This time period shall be specified in the "Schedule of Significant Events."

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33539, 60019, 60020 and 60200. Education Code.

§ 9516. Advisory Task Forces and Committees to the Curriculum Commission.

The Board may, upon recommendation by the Curriculum Commission, appoint task forces or committees of subject matter experts to assist and advise the Curriculum Commission. Each task force or committee shall include, at the time of appointment, a majority of current classroom teachers providing instruction in kindergarten and grades one to eight, inclusive, or mentor teachers, or certificated teachers employed by school districts of county offices of education who are not in a position that requires a services credential with a specialization in administrative services, or any combination of those teachers. The primary criteria for membership shall be subject matter expertise and professional knowledge of, and successful experience with, effective educational programs and practices for the full range of the state's diverse population. The Board shall, to the extent possible, appoint persons who are representative of the various ethnic groups and types of school districts in the state. Nothing in this section shall preclude public members, i.e., noneducators, from serving on a task force or committee as the Board may deem appropriate.

For the purpose of developing a curriculum framework or for other activities not associated with the evaluation of basis instructional materials, the Board may expand the committees or task forces to include teachers who provide instruction in kindergarten and grades one to twelve, inclusive.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33530 and 60204, Education Code.

§ 9517. Invitation to Submit Basic Instructional Materials for Adoption.

The Board shall ensure that a written notice of an upcoming adoption of instructional materials is mailed to every person or firm who has submitted a request for notice to the Department and to any person or firm whom the Department, in its judgment, deems to be interested in the notice. This notice shall be known as the Invitation to Submit Basic Instructional Materials for Adoption in California. The failure to mail an invitation to any person as provided in this section shall not invalidate any action taken by the Board, Curriculum Commission, or Department.

With respect to the submission of instructional materials for adoption by the Board, publishers and manufacturers shall

comply with the following requirements:

(a) Instructional materials may be submitted in any language, but essential teachers' materials shall be included in English.

(b) Publishers and manufacturers shall indicate, either in the teacher's edition or in the student's edition or both, which literary works contained in the student's edition or teacher's edition have been abridged, adapted, or excerpted. Publishers and manufacturers shall provide detailed descriptions of these changes upon request by the Department or local educational agencies.

(c) Publishers and manufacturers shall list, either in the teacher's edition or in the student's edition or both, only authors, reviewers, consultants, advisors, field-test teachers, and others who actually contributed to the development of the materials and shall indicate, for those who are listed, in what capacity they served: Publishers and manufacturers shall provide additional related information upon request by the Department or local educational agencies.

(d) Education Code sections 32060-32066 prohibit the purchase of toxic art or craft supplies for grades kindergarten through six and allow their purchase for grades seven through twelve only if they display a warning label. Publishers and manufacturers shall ensure that all art or craft materials included or suggested in their instructional materials comply with the requirements of these Education Code sections.

(e) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, which is included in the Invitation to Submit Basic Instructional Materials for Adoption, publishers and manufacturers shall provide to the Department a list of all instructional materials that will be submitted for adoption. Receipt of submission information after this deadline shall result in disqualification of the instructional materials from further consideration in the current adoption unless publishers or manufacturers can show extenuating and compelling circumstances beyond their control.

(f) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, publishers and manufacturers shall deliver samples of instructional materials to the evaluators and locations specified by the Department. Failure to meet the deadline for delivery of samples shall result in disqualification of the instructional materials from further consideration in the current adoption unless the publisher or manufacturer can show extenuating and compelling circumstances involving natural disasters or independent carriers beyond the control of the publishers and manufacturers. In addition:

(1) Publishers and manufacturers shall deliver all samples in final form (i.e., a form that will be offered for purchase over the period of adoption) unless written permission to submit a sample in other than final form is obtained from the Department before any samples are shipped.

(2) Publishers and manufacturers shall deliver all samples free of shipping, handling, sampling, or other charges.

(3) After the final date for delivery of samples, changes or modifications to instructional materials during the adoption review period by the publisher or manufacturer shall result in disqualification of the materials from the adoption unless those changes or modifications are made pursuant to the Board's social content review or educational content review.

(4) Publishers and manufacturers shall retrieve samples of nonadopted instructional materials from display centers during the first thirty (30) days following the date of Board adoption. The deadline for retrieval shall be specified in the Schedule of Significant Events in the invitation. All materials shall be retrieved without any cost to the display center or its staff. Display center directors may dispose of or donate for educational use any samples of instructional materials not retrieved within the 30-day period. Board and Curriculum Commission members, instructional materials reviewers, and Department staff may offer their samples back to publishers and manufacturers, retain their samples, or donate them, provided that the materials are used to benefit public education in Californian.

(g) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, publishers and manufacturers shall submit to the Department price.. quotations' (bids) for the sale of completed materials, including all transportation costs.

(h) Publisher& and manufacturers are discouraged from withdrawing from a state adoption after the submission of their materials. No publisher or manufacturer may withdraw their submitted instructional materials from a state adoption within seven working days prior to the beginning of the Instructional Resources Evaluation Panel educational content de- dates) shall be specified in the Schedule of Significant Events. Publishers and manufacturers withdrawing prior to this date shall be so noted in the Curriculum Commission's report of adoption recommendations.

(i) Other than during the times specified in the Schedule of Significant Events, publishers and manufacturers shall not contact Instructional Resources Evaluation Panel members during their tenure to discuss anything related to the state evaluation or state adoption of materials. Contact initiated by publishers or manufacturers regarding the evaluation or adoption of materials may lead to disqualification of the publisher's or manufacturer's materials from further consideration in the current adoption, legal action, or both. Instructional Resources Evaluation Panel members shall not discuss materials under adoption consideration with publishers or manufacturers or their spokespeople or representatives.

(j) Publishers and manufacturers shall not publicize in printed marketing materials any part of the Instructional Resources Evaluation Panel Report.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 32060-32066, 60071 and 60200-60222, Education Code.

§ 9518. Social Content Review of Instructional Materials.

The standards and criteria in the publication entitled Standards for Evaluation of Instructional Materials with Respect to Social Content, referenced in Section 9511, shall apply to all instructional materials approved by the Board for compliance with social content requirements, as follows:

(a) Reviews of instructional materials for compliance with social content requirements may be conducted by the Department or its agent.

(b) The Department shall notify publishers or manufacturers in writing of approval of instructional materials for compliance with social content requirements or any citations of noncompliance.

(c) If a publisher or manufacturer requests that their instructional materials be reviewed for compliance with social content requirements, and those materials are not concurrently being submitted for adoption, the Department or its agent may charge publishers and manufacturers a fee not to exceed the cost of the service for conducting a social content review and/or for including them in the list of instructional materials which have been approved by the Board for compliance with social content requirements. The list of approved materials shall be available to all school districts in the state. The publisher or manufacturer requesting such a review shall provide samples of instructional materials in completed form and in numbers to be determined by the Department.

(d) A publisher or manufacturer may appeal the decision of the Department or its agent to the Curriculum Commission. The following procedures apply:

(1) Within thirty (30) days from the postmark date of the Department's written notification to a publisher or manufacturer of noncompliance with social content requirements, a publisher or manufacturer shall notify the Department in writing of proposed revisions or intent to appeal.

(2) The appeal shall be limited to consideration of citations of noncompliance identified during the initial social content review.

(e) A publisher or manufacturer may appeal the decision of the Curriculum Commission to the Board.

(1) Within ten (10) days following the postmark date of the Curriculum Commission's written decision, a publisher or manufacturer shall notify the Curriculum Commission chairperson of any intent to appeal to the Board.

(2) An appeal to the Board shall be limited to consideration of revisions or issues raised during the first-level appeal.

(f) Instructional materials which have been approved for compliance with social content requirements shall not be re-evaluated unless the materials have changed substantively, or the Board's social content standards and criteria have been amended to the extent that, in the judgment of the Board, a re-evaluation is necessary.

(g) Publishers and manufacturers shall not describe or represent as adopted by the Board those instructional materials which have passed only a social content review at the state level. Misrepresentation may result in deletion of the instructional materials from the list of materials approved for compliance with social content requirements.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60040-60044 and 60200, Education Code.

§ 9519. Display of Instructional Materials and Curriculum Frameworks.

Before final adoption of any instructional materials, the Board shall make any instructional materials recommended for adoption available for public review for not less than thirty (30) days at display centers designated by the State Superintendent of Public Instruction. These dates shall be specified in the Schedule of Significant Events.

Samples of instructional materials adopted by the Board shall be available at display centers for a minimum of two years from the date specified in the Schedule of Significant Events.

Prior to recommending any curriculum frameworks to the Board for adoption, the Curriculum Commission shall ensure that copies of the curriculum framework are mailed to any person upon request to the Curriculum Commission. Copies shall also be available at specified display centers throughout the state.

Public comment forms shall be provided at the display centers and may be used for written statements regarding instructional materials and curriculum frameworks. Use of a public comment form to submit a written statement shall not be required.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60202, Education Code.

§ 9520. Written Statements to the Curriculum Commission Regarding Instructional Materials and Curriculum Frameworks Submitted for Adoption.

Any person may submit to the Curriculum Commission a written statement regarding any instructional materials or curriculum frameworks submitted for Board adoption, as

follows:

(a) A statement of error appearing in the instructional materials or curriculum framework. The statement shall indicate the page, pages, or place in which the error appears, shall include a specification of the error, and, where possible, shall mention a responsible source of information from which the Curriculum Commission can confirm the existence of such error.

(b) A statement of objection to a specified item of content which shall include the page number of other identification of, and reference to, the item of content to which objection is made, and the grounds for the objection.

(c) Comments relating to any other factor of which the Curriculum Commission should be aware before making a decision to recommend the instructional materials or curriculum framework to the Board for adoption.

(d) A general objection to the adoption of the instructional materials or curriculum framework. The statement shall include a brief statement of the objection and evidence or grounds supporting the objection.

(e) A statement supporting the instructional materials or curriculum framework as a whole or any portion thereof. The statement shall include the reasons for supporting the recommended adoption or for supporting specified portions thereof.

Written statements, typewritten (or in clearly legible manuscript), shall be mailed postpaid to the Executive Secretary of the Curriculum Development and Supplemental Materials Commission, 721 Capitol Mall, Sacramento, California, 95814, postmarked not later than ten (10) days prior to the date set for the Curriculum Commission's public hearing on the instructional materials or curriculum framework.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60202, Education Code.

§ 9521. Public Hearings Held by the Curriculum Commission and the Board Regarding Instructional Materials and Curriculum Frameworks.

Prior to recommending a curriculum framework or any instructional materials to the Board for adoption, the Curriculum Commission shall hold at least one public hearing on the curriculum framework and at least one public hearing on any instructional materials submitted for Board adoption.

Prior to adopting a curriculum framework, the Board shall hold a public hearing on the curriculum framework. Pursuant to Education Code section 60203, the Board shall hold a

public hearing on any instructional materials submitted for adoption.

NOTE: Authority cited: Sections 33013 and 60004, Education Code. Reference: Sections 60203 and 60204, Education Code.

§ 9522. Speakers.

Persons wishing to address the Curriculum Commission on a subject to be considered at a further meeting, including any matter designated as a public hearing, shall present a written request to the Executive Secretary of the Curriculum Development and Supplemental Materials Commission, 721 Capitol Mall, Sacramento, California, 95814, by noon of the third working day before the scheduled meeting, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33530, 33534 and 33535, Education Code.

§ 9523. Presentation of Public Testimony.

At or before the hearing at which oral comments from the public are to be received, the Curriculum Commission chairperson or the chairperson of a hearing body other than the full Curriculum Commission shall determine the total amount of time that will be devoted to hearing such oral comments, and may determine the time to be allotted to each person or to each side of an issue.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 33536. Education Code.

§ 9524. Waiver by Chairperson.

At any time, upon a showing of good cause, the Curriculum Commission chairperson or the chairperson of a hearing body other than the full Curriculum Commission may waive the requirements of Sections 9522 and 9523.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 33536. Education Code.

Article 2.2. Acquisition of Adopted Instructional Materials

§ 9527: Free Instructional Materials.

If free instructional materials are offered to school districts, publishers and manufacturers shall comply with the following requirements in addition to those stated in Education Code section 60061:

(a) Free instructional materials shall comply with the requirements of Education Code sections 60040-60044 and the Board's Standards for Evaluation of Instructional Materials with Respect to Social Content.

(b) Publishers and manufacturers shall inform the Department in writing of all offers of free instructional materials within thirty (30) working days of the effective date of the offer so that all school districts may have the opportunity to order these materials. Failure or refusal by the publisher or manufacturer to inform the Department within this deadline shall constitute a rebuttable presumption that the violation of Education Code section 60061 was willful.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60061, Education Code.

§ 9528. Alternate Formats of Adopted Instructional Materials.

Alternate formats are (1) instructional materials which are identical in content to adopted instructional materials but different in physical format, or (2) translations or literature that is equivalent in content to adopted instructional materials. Publishers and manufacturers may submit alternate formats of adopted instructional materials to the Department for approval at any time during the period of adoption.

Submissions for approval shall include a sample of the proposed alternate format material.

An alternate format package may include free instructional materials that have not been adopted by the Board, provided that:

(a) the non-adopted free materials have passed a state review for legal compliance with the social content requirements as required by Section 9527 and in accordance with Section 9518,

(b) the purchase price of the alternate format package shall not include any costs attributable to the non-adopted free instructional materials such as, but not limited to, development and production, correlation to the adopted materials, packaging and shipping costs,

(c) the publisher or manufacturer includes with the submission a certification of compliance with the proviso in subdivision (b) of this section, and

(d) the publisher includes in the alternate format package a statement that identifies any items that are free and which have not been adopted by the Board.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Sections 60200 and 60222, Education Code.

§ 9529. New Editions of Adopted Instructional Materials.

Upon written request by a publisher or manufacturer, the Department may approve a new edition of an instructional material to replace the original edition adopted by the Board, provided that:

(a) Changes contained in the new edition are so minimal that both the new edition and the old edition may be used together in a classroom environment. (technical upgrades of computer software which do not contain educational or social content changes shall be exempt from this requirement.)

(b) All changes comply with, the social content requirements of Education Code sections 60040-60044 and the Board's Standards for Evaluation of Instructional Materials with Respect to Social Content.

The price of the original edition or a lower price shall apply until the next scheduled biennial price adjustment for that subject area.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60040-60044, 60061, 60222 and 60223, Education Code.

§ 9530. School District Ordering of Instructional Materials.

Each school district shall purchase adopted instructional materials directly from publishers and manufacturers. With respect to the purchase of instructional materials by a school district, the publisher or manufacturer shall comply with the following requirements:

(a) The provisions of Education Code section 60061 and 60061.5.

(b) Instructional materials furnished and delivered to the school district by the publisher or manufacturer shall conform to and be of the same quality of workmanship as the samples of the respective instructional materials submitted by the publisher or manufacturer to the Department, except that the instructional materials shall also include all revisions, corrections, additions, and substitutions required by the Board at the price adjusted by the Board and the publisher or manufacturer.

(c) Upon request by any school district, a publisher or manufacturer shall provide a copy of any manufacturing standards and specifications for textbooks with which the publisher or manufacturer is currently in compliance.

(d) A discontinuation of an instructional material before its adoption expiration date or before eight years, whichever is less, may cause a hardship on the school districts by limiting the reorder availability of components necessary for the use of instructional materials sets or programs. Should the publisher or manufacturer discontinue to supply an instructional material before its adoption expiration date or before eight years, whichever is less, without prior written approval from the district, upon receipt of written notice from the district, the publisher or manufacturer shall buyback, from all school districts having received the program, set, or system within the adoption period of the program, set, or system, all components of the instructional materials program, set, or system in which

the discontinued item was designed to be used. The publisher shall buy back the instructional materials program, set, or system at the price in effect pursuant to the purchase order or agreement at the time the particular material from the program, set, or system is discontinued.

(e) The failure of the publisher or manufacturer to perform under the term of any purchase order or agreement by late or nondelivery of instructional materials, or the discontinuation to supply materials without prior approval by the Board and the delivery of unauthorized materials will disrupt and delay the intent of the school district's educational process, causing loss and damage to the school, its students, and the public interest. It is difficult to assess and fix the actual damages incurred due to the failure of the publisher or manufacturer to perform. Therefore, the publisher or manufacturer shall comply with any of the following requirements made by the school districts pursuant to this section as compensating or liquidating damages and not as penalties:

(1) For purposes of this subdivision, unauthorized instructional materials are those that do not appear in exact description and terms in the purchase order or agreement or are materials that have not been approved for delivery to California schools in written notice to the publisher or manufacturer from the Board or Department.

Should the publisher or manufacturer deliver unauthorized instructional materials to the school district, on written notice from the district, the publisher or manufacturer shall comply with the following requirements:

(A) Withdraw the delivered unauthorized instructional materials from the school district.

(B) Replace the unauthorized instructional materials with authorized materials that are comparable in subject matter, quality, quantity, and price in the California schools.

(C) Incur all costs of transportation or any other costs involved to complete the transactions of withdrawing and replacing unauthorized materials.

(D) Complete the transactions of withdrawing unauthorized instructional materials and replacing them in the school district with comparable authorized materials within 60 calendar days of the receipt of written notice from the district.

(2) Should the publisher or manufacturer fail to deliver instructional materials within 60 days of the receipt of a purchase order from the school district and the publisher or manufacturer had not received prior written approval from the district for such a delay in delivery, which approval shall not be unreasonably withheld, the school district may assess as damages an amount up to five hundred dollars (\$500) for each working day the order is delayed beyond sixty (60) calendar days. If late delivery results from circumstances beyond the control of the publisher or manufacturer, the publisher or manufacturer shall not be held liable. Pursuant to this section,

the maximum dollar amount that shall be assessed to the publisher or manufacturer by the school district from any individual purchase order shall be twenty thousand dollars (\$20,000.00). Should the district take such action, the district shall give the publisher or manufacturer written notification of the delivery delay and the date commencing the accrual of dollar amounts to be assessed to the publisher or manufacturer.

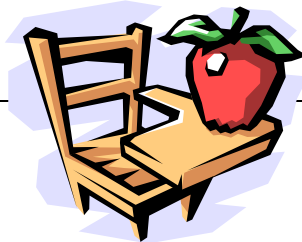
NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60061 and 60061.5, Education Code.

Attachment M

CFIR Web Addresses

Curriculum Frameworks & Instructional Resources Office

CFIR Office 657-3023



CFIR Fax 657-5148

WEBSITES

CDE	http://www.cde.ca.gov
CDE Press	http://www.cde.ca.gov/cdepress/download.html
CFIR Office	http://www.cde.ca.gov/cfir
Curriculum Commission	http://www.cde.ca.gov/cc
Curriculum & Instruction	http://www.cde.ca.gov/ci
Education Code & other Calif. Law	http://www.leginfo.ca.gov/calaw.html
Legal Compliance Catalog	http://search.cde.ca.gov/legal
Legislation	http://www.assembly.ca.gov/acs/acsframeset2text.htm
Library Info	http://www.cde.ca.gov/library
Price Lists	http://www.cde.ca.gov/cilbranch/eltdiv/pricelists/pricelists.htm http://www.cde.ca.gov/pl (future web address for price lists)
State Board	http://www.cde.ca.gov/board/
